Originēs Eccleſiaſticæ:

OR, THE

ANTIQUITIES

OF THE

Chriſtian Church.

VOL. II.

Giving an Account,

I. Of the Inferior Orders of the Ancient Clergy.

II. Of the manner of their Elections and Ordinations, and the particular Qualifications of ſuch as were to be Ordained.

III. Of their Privileges, Immunities, and Revenues.

IV. Of the ſeveral Laws relating to their Employment, Life, and Converſation.

The Second Edition, Corrected.

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G.R. III.
DEI GRATIA

TO THE

Right Honourable

And Right Reverend Father in God,

JONATHAN,

Lord Biſhop of WINCHESTER,

And Prelate of the Moſt Noble Order of the GARTER.

MY LORD,

AS the kind Entertainment which Your LORDSHIP and the World have been pleaſed to give the Firſt Part of this Work, has encouraged me to go on, in hopes of doing Publick Service to the CHURCH: So the Nature of the Subject contained in this Second

Volume being but a Continuation of the former Account of the Primitive Clergy, obliges me again with all Submiſſion to preſent this Second Part to Your LORDSHIP, in hopes of no leſs kind Acceptance and Approbation. The Matters here treated of, are many of them Things of the greateſt Importance, which, when plainly ſet in Order, and preſented to Publick View, may, perhaps, excite the Zeal of many in the preſent Age to copy out thoſe Neceſſary Duties, by the Practice of which the Primitive Church attained to great Perfection and Glory; and, as I may ſay, ſtill provokes and calls us to the ſame Attainments by ſo many Excellent Rules and Noble Examples. In the Fourth and Sixth of theſe Books I have endeavoured to draw up ſomething of the General Character of the Primitive Clergy, by ſhewing what Qualifications were required in them before their Ordination, and what ſort of Laws they were to be governed by afterwards, reſpecting both their Lives and Labours, in the continual Exerciſe of the Duties of their Function. Many of them, I muſt own, have been very affecting to my ſelf in the Conſideration of them; and I was willing to hope they might prove ſo to ſuch others as would be at the pains to read them; for here are both Directions and Provocations of the beſt Sort, to excite our Induſtry, and inflame our Zeal, and to make us eager and reſtleſs in copying out the Pattern ſet before us. If any ſhall think I have collected

collected theſe things together to reflect upon any perſons in the preſent Age, I ſhall only ſay with one of the Ancients [†] in a like Caſe, They miſtake my Deſign, which was not to reproach any Man's Perſon who bears the Sacred Character of a Prieſt, but to write what might be for the Publick Benefit of the CHURCH: For, as when Orators and Philoſophers deſcribe the Qualities which are required to make a complete Orator or Philoſopher, they do no Injury to *Demoſthenes* or *Plato*, but only deſcribe things nakedly in themſelves, without any Perſonal Applications: ſo in the Deſcription of a Biſhop or Prieſt, and Explication of ancient Rules, nothing more is intended but to propoſe a Mirror of the Prieſtood, in which it will be in every Man's Power and Conſcience to

[†] Hieron. Ep. 83. ad Ocean. Tom. 2. p. 323. Ne quis me in Sugillationem iſtius temporis Sacerdotum ſcripſiſſe, quæ ſcripſi, exiſtimet, ſed in Eccleſiæ Utilitatem. Ut enim Oratores & Philoſophi, deſcribentes qualem velint eſſe perfectum Oratorem & Philoſophum, non faciunt injuriam Demoſtheni & Platoni, ſed res ipſas abſque Perſonis definiunt: Sic in Deſcriptione Epiſcopi, & in eorum Expoſitione quæ ſcripta ſunt, quaſi ſpeculum Sacerdotij proponitur. Jam in Poteſtate & Conſcientia ſingulorum eſt, quales ſe ibi aſpiciant: Ut vel dolere ad Deformitatem, vel gaudere ad Pulchritudinem poſſint.

to take a View of himſelf, ſo as either to grieve at the ſight of his own Deformity, or rejoice when he beholds his own Beauty in the Glaſs.

NOTHING is here propoſed but Rules and Examples of the Nobleſt Vertues; Probity and Integrity of Life; Studies and Labours becoming the Clerical Function; Piety and Devotion in our conſtant Addreſſes to GOD; Fidelity, Diligence and Prudence in preaching His Word to Men; Carefulneſs and Exactneſs, joined with Diſcretion and Charity, in the Adminiſtration of Publick and Private Diſcipline; Candor and Ingenuity in compoſing needleſs Diſputes among Good Men; and Zeal in oppoſing and confronting the Powerful and Wily Deſigns of Hereticks and Wicked Men; together with Reſolution and Patience in ſuffering Perſecutions, Calumnies and Reproaches both from profeſſed Enemies and pretended Friends; with many other Inſtances of the like commenable Vertues, which ſhined in the Lives, and adorned the Profeſſion of the Primitive Clergy; whoſe Rules and Actions, I almoſt promiſe my ſelf, Your LORDSHIP and all good Men will read with pleaſure, becauſe they will but ſee their own Beauty repreſented in the Glaſs; and they that fall ſhort of the Character here given, will find it a gentle Admonition and Spur to ſet in Order the Things that are wanting in their Conduct,

and

and to labour with more Zeal to bring themſelves a little nearer to the Primitive Standard.

YOUR LORDSHIP is enabled by Your High Station and Calling to revive the Exerciſe of Ancient Diſcipline among Your Clergy in a more Powerful Way: And You have given us already ſome Convincing Proofs that it is Your ſettled Reſolution and Intention ſo to do: As the Thoughts of This is a real Pleaſure to the Diligent and Vertuous, ſo it is to be hoped it will prove a juſt Terror to thoſe of the contrary Character; and by introducing a ſtrict Diſcipline among the Clergy, make way for the eaſier Introduction of it among the Laity alſo; the Revival of which has long been deſired, though but ſlow Steps are made toward the Reſtauration of it. In the mean time, it becomes every Man according to his Ability, though in a lower Station, to contribute his Endeavours toward the promoting theſe Good Ends: To which purpoſe I have collected and digeſted theſe Obſervations upon the Laws and Diſcipline of the Ancient Clergy, that ſuch as are willing to be influenced by their Practice, may have Great and Good Examples ſet before them; whilſt they whom Examples cannot move, may be influenced another way, by the Authority which Your LORDSHIP and Others in the ſame Station are inveſted with, for the Benefit and

Edifi-

Edification of the CHURCH; the Promoting of which is, and ever will be, the hearty Endeavour of him who is,

MY LORD,

Your Lordship's most Dutiful

and Obedient Servant,

JOSEPH BINGHAM.

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THE

THE ANTIQUITIES OF THE Christian Church.

BOOK III.

Of the Inferior Orders of the Clergy in the Primitive Church.

CHAP. I.

Of the first Original of the Inferior Orders, and the Number and Use of them: And how they differ'd from the Superior Orders of Bishops, Presbyters, and Deacons.

Sect. 1. *The Inferior Orders not of Apostolical, but only Ecclesiastical Institution, proved against* Baronius *and the Council of* Trent.

HAving in the last Book discours'd of the Superior Orders of the Clergy in the Primitive Church, I come now to treat of those which are commonly call'd the Inferior Orders. And here our first Enquiry must be concerning the Original and Number of them. The two great Oracles of the *Romish* Church, *Baro-*

nius [*a*] and the Council [*b*] of *Trent*, are very Dogmatical and Positive in their Assertions both about their Rise and Number, that they are precisely five, *viz.* Subdeacons, Acolythists, Exorcists, Readers, and Door-keepers; and that they are all of Apostolical Institution. And herein they are follow'd not only by *Bellarmine*, [*c*] and the common Writers of that Side, but also by *Schelstrate*, [*d*] a Person who lived in greater Light, and might have seen through the Mists that were cast before the Eyes of others. Cardinal *Bona* [*e*] distinguishes between Subdeacons and the rest. He fairly owns, that Acolythists, Exorcists, Readers and Door-keepers are not of Apostolical Institution, as the modern School-men pretend: But as to Subdeacons, he joyns with them entirely, and says, [*f*] that though the Scripture makes no express mention of them, yet their Institution must be referr'd either to Christ, or at least to his Apostles. The *French* Writers are not generally so tenacious of this Opinion, as having never sworn to receive the Decrees of the *Tridentine* Fathers with an Implicite Faith; but many of them ingenuously confess the Rise of the Inferior Orders to be owing only to Ecclesiastical Institution. *Morinus* [*g*] undertakes to prove that there was no such Order as that of Acolythists, or Exorcists,

[*a*] Baron. ann. 44. n. 78. [*b*] Conc. Trid. Sess. 23. c. 2. It. Catechism. ad Parochos tit. de sacramento Ordinis p. 222. [*c*] Bellarm. de Clericis Lib. 1. c. 11. [*d*] Schelstrat. Concil. Antiochen. Restitut. Dissert. 4. c. 17. art. 2. p. 520. [*e*] Bona Rer. Liturg. Lib. 1. c. 25. n. 17. Acolythos, Exorcistas, Lectores, & Ostiarios, ab Apostolis, vel ab immediatis eorum successoribus institutos, Doctores Scholastici asserunt, sed non probant. [*f*] Bona ibid. n. 16. Subdiaconorum licet expressa mentio in sacris Literis non reperiatur, eorum tamen institutio vel ad Christum, ut recentiores Scholastici existimant, vel ad Apostolos referenda est. [*g*] Morin. de ordinat. exercit. 14. c. 1.

Exorcists, or Door-keepers among the *Greeks* in the Age next to the Apostles; nor does *Schelstrate* disprove his Arguments, though he makes a Shew of refuting him. *Duarenus* [*h*] says there were no such Orders originally in the first and primitive Church. *Cotelerius* [*i*] confesses their Original is involved wholly in Obscurity; that there is no Mention made of any of them in *Ignatius*, or any other ancient Writer before *Cyprian* and *Tertullian*. And therefore *Habertus* [*k*] is clearly of opinion, that it would be more adviseable for their Church to expunge all the inferior Orders out of the Number and Catalogue of Sacraments, and refer them only to Ecclesiastical Institution, as the ancient Divines were used to do. By the ancient Divines he means the School-men, who were generally of this Opinion heretofore. For *Peter Lombard*, who is set at the Head of them, declares [*l*] that the primitive Church had no Orders below those of Presbyters and Deacons; nor did the Apostle give Command about any other; but the Church in succeeding Ages instituted Subdeacons and Acolythists herself. And this is the Opinion of *Aquinas*, [*m*] and *Amalarius Fortunatus*, [*n*] and many others. *Schelstrate* himself [*o*] owns, that it was the Opinion of Two Popes, *Urban* the 2d, and *Innocent* 3d, that the

[*h*] Duaren. de Minister. & Beneficiis Eccl. Lib. 1. c. 14. [*i*] Coteler. not. in Constitut. Apost. Lib. 2. c. 25. [*k*] Habert. Archieratic. Par. 5. Observ. 1. P. 48. Consultius meo quidem judicio, Ordines Hierarchicis inferiores, ipsumq; adeo Hypodiaconi, & à Sacramentorum Censu expungere, & ad Institutionem duntaxat Ecclesiasticam cum antiquis Theologis referre. [*l*] Lombard. Sent. Lib. 4. Dist. 24. p. 348. Hos solos Primitiva Ecclesia legitur habuisse, & de his solis Præceptum Apostoli habemus. Subdiaconos vero & Acolythos procedente tempore Ecclesia sibi constituit. [*m*] Aquin. supplement. Par. 3. Q. 37. Art. 2. Resp. ad 2dum. [*n*] Amalar. de Offic. Eccl. Lib. 2. c. 6. [*o*] Schelstrat. de Concil. Antioch. P. 515.

Order of Subdeacons was not reckoned among the ſacred Orders of the primitive Church: It was indeed an inferior Order in the 3d Century, but not dignified with the Title of a ſacred or ſuperior Order till the Twelfth Age of the Church; when, as *Menardus* informs us out of a MS. Book of *Petrus Cantor*, [p] a Writer of that Age, it was then but juſt newly dignified with that Character: That is, in an Age when Biſhops and Presbyters began to be reckoned but one Order, in Compliance with an Hypotheſis peculiar to the *Romiſh* Church, then the Order of Subdeacons ſtept up to be a ſuperior Order. And whereas the primitive Church was uſed to reckon the Three ſuperior Orders to be thoſe of Biſhops, Presbyters and Deacons, the *Romiſh* Church now began to ſpeak in a different Stile, and count the Three ſuperior Orders thoſe of Prieſts, Deacons and Subdeacons: So that this laſt became a ſuperior Order, which for ſome Ages before had been only an inferior Order, and at firſt was no Order at all. For the Teſtimonies alledged by *Schelſtrate* after *Bellarmine* and *Baronius*, to prove the inferior Orders of Apoſtolical Inſtitution, are of no Authority or Weight in this Caſe. The Epiſtle under the Name of *Ignatius ad Antiochenos*, and the Conſtitutions under the Name of *Clemens Romanus*, which are the only Authorities pretended in this Matter, are now vulgarly known to be none of their genuine Writings, but the Works of ſome Authors of much later Date. So that till ſome better Proofs be given, there will be Reaſon to conclude, that theſe inferior Orders were not of Apoſtolical, but only of Eccleſiaſtical Conſtitution.

And

[p] Pet. Cantor de Verbo Mirifico, ap. Menard. Not. in Sacramental. Gregor. P. 280. De novo inſtitutum eſt, Subdiaconatum eſſe ſacrum Ordinem.

Sect. 2.
No certain number of them in the Primitive Church.

And this may be argued farther, not only from the Silence of the moſt ancient Writers, but alſo from the Accounts of thoſe who ſpeak of them preſently after their Inſtitution. For tho' the Romiſh Church determines them to be preciſely Five in Number, yet in the ancient Church there was no ſuch Rule; but ſome Accounts ſpeak of more than Five, and others not of ſo many; which argues that they were not of Apoſtolical Inſtitution. The Author under the Name of [q] *Ignatius* reckons Six without *Acolythiſts*, *viz.* Subdeacons, Readers, Singers, Door-keepers, *Copiatæ*, and Exorciſts. The Author of the Conſtitutions under the Name of *Clemens Romanus* [r] counts but Four of theſe Orders, *viz.* Subdeacons, Readers, Singers, and Door-keepers. For he makes no mention of the *Copiatæ*, or of Acolythiſts: And though he ſpeaks of Exorciſts, yet he ſays [s] expreſly it was no Church-Order. The Apoſtolical Canons [t] as they are commonly called, Name only Three, Subdeacons, Readers, and Singers. And tho' the Author under the Name of St. *Jerom* [u] mentions Four, yet he brings the *Copiatæ* or *Foſſarij* into the Account, and makes them the firſt Order of the Clergy, leaving out Acolythiſts and Exorciſts. *Epiphanius* [x] makes no mention of Acolythiſts, but inſtead of them puts in the *Copiatæ* and Interpreters. Others add the *Parabolani* alſo; and except *Cornelius* [y] there is ſcarce any other ancient Writer, who is ſo preciſe to the Number of Five Inferior Orders, as now computed in the Church of *Rome*.

[q] Ep. ad Antioch. n. 12. [r] Conſtit. Apoſt. Lib. 3. c. 11. [s] Ibid. Lib. 8. c. 26. [t] Can. Apoſt. c. 69. [u] Jerom. de 7. Ordin. Eccl. T. 4. p. 81. [x] Epiphan. Expoſ. Fid. n. 21. [y] Cornel. Ep. ad Fab. ap. Euſeb. Lib. 6. c. 43.

Sect. 3. *Not inſtituted in all Churches at the ſame time.*

The Reaſon of which Difference muſt needs be this, That there was no certain Rule left Originally about ſuch Orders; but every Church inſtituted them for her ſelf, at ſuch times and in ſuch Numbers as her own Neceſſities ſeem'd to require. For at Firſt moſt of the Offices of theſe Inferior Orders were perform'd by the Deacons, as I have had occaſion to ſhew in another [z] Place: But as the Number of Converts increas'd in large Churches, ſuch as that of *Rome*, which confin'd her ſelf to the number of ſeven Deacons, the Duties of the Deacon's Office quickly became too great and heavy for them: Whereupon a ſort of Aſſiſtants to them were appointed, firſt in thoſe great Churches, under the Names of theſe Inferior Orders, to take off from the Deacons ſome of the heavy Burthen that lay upon them. And that is the Reaſon why we meet with the Inferior Orders in ſuch great and populous Churches as *Rome* and *Carthage* in the beginning of the 3d Century; whereas in many of the leſſer Churches all the Offices were ſtill perform'd by Deacons, even in the 4th and 5th Centuries: Which may be concluded from the Words of the Author under the Name [a] of St. *Auſtin*, where ſpeaking of the Deacons of *Rome*, he ſays, the Reaſon why they did not perform all the inferior Services of the Church, was, that there was a Multitude of the leſſer Clergy under them; whereas otherwiſe they muſt

[z] Book 2. Chap. 20. Sect. 15. [a] Aug. Quæſt. Vet. & Nov. Teſt. T. 4. c. 101. Ut autem non omnia miniſteria obſequiorum per ordinem agant, multitudo facit Clericorum. Nam utiq; & Altare portarent, & vaſa ejus, & aquam in manus funderent Sacerdoti, ſicut videmus per omnes Eccleſias.

muſt have taken care of the Altar and its Utenſils, *&c.* as it was in other Churches at that Time. Which ſeems evidently to imply, that theſe Inferior Orders were not taken into all Churches when that Author made this Obſervation.

Sect. 4. *The Principal uſe of them in the Primitive Church, to be a ſort of Nurſery for the Hierarchy.*

But ſuch Churches as admitted them, made them Subſervient to divers good Ends and Purpoſes. For beſides that of relieving the Deacons in ſome part of their Office, they were alſo a ſort of Nurſery for the Sacred Hierarchy, or Superior Orders of the Church. For in thoſe Days ſuch Churches as had theſe Orders ſettled in them, commonly choſe their Superior Miniſters, Biſhops, Presbyters and Deacons out of them; and the Clergy of theſe leſſer Orders were a ſort of Candidates under Trial and Probation for the greater. For the Church not having the advantage of Chriſtian Academies at that Time, took this Method to train up fit Perſons for the Miniſtry, firſt exerciſing them in ſome of the lower Offices, that they might be the better diſciplin'd and qualified for the Duties of the ſuperior Functions. And by this Means every Biſhop knew perfectly both the Abilities and Morals of all the Clergy of his Dioceſs; for they were bred up under his Eye, and govern'd by his Care and Inſpection. In ſome Places they lived all in one Houſe, and eat all at one Table: As *Poſſidius* [*b*] particularly notes of St. *Auſtin*'s Church at *Hippo*, and *Sozomen* [*c*] of the Church of *Rinocurura* in the

[*b*] Poſſid. Vit. Aug. c. 25. Cum ipſo ſemper Clerici, una etiam Domo ac Menſa, Sumptibuſq; communibus alebantur & veſtiebantur. [*c*] Sozom. Lib. 6. c. 31. Κοινὴ δέ ἐϛι τοῖς αὐτόθι κλήρικοῖς οἴκησις καὶ τράπεζα καὶ τἆλλα πάντα.

Confines of *Paleſtine* and *Ægypt*, that they had Houſe and Table and every thing in Common. Hence it became a Cuſtom in *Spain*, in the time of the *Gothick* Kings, about the End of the 5th Century, for Parents to dedicate their Children very young to the Service of the Church: In which Caſe they were taken into the Biſhop's Family, and educated under him by ſome diſcreet and grave Presbyter, whom the Biſhop deputed for that purpoſe, and ſet over them by the Name of *Præpoſitus*, *& Magiſter Diſciplinæ*, The Superintendent, or Maſter of Diſcipline, becauſe his chief Buſineſs was to inſpect their Behaviour, and inſtruct them in the Rules and Diſcipline of the Church. As we may ſee in the 2d and 4th Councils [*d*] of *Toledo*, which give Directions about this Affair.

Sect. 5. *Not allow'd to forſake their Service, and return to a mere ſecular Life again.*

And upon this Account theſe Inferior Clergy were tied as well as others to the perpetual Service of the Church, when once they had devoted and dedicated themſelves to it: They might not then forſake their Station, and return to a mere Secular Life again at their own Pleaſure. The Council of *Chalcedon* [*e*] has a peremptory Canon to this purpoſe: That if any Perſon Ordain'd among the Clergy betake himſelf to any Military or Civil Employment,

[*d*] Conc. Tolet. 2. c. 1. De his quos voluntas Parentum à primis Infantiæ annis in Clericatûs Officio vel Monachali poſuit, Statuimus——ut in Domo Eccleſiæ ſub Epiſcopali præſentia à Præpoſito ſibi debeant erudiri. It. Tolet. 4. c. 23. Si qui in Clero Puberes aut Adoleſcentes exiſtunt, omnes in uno Conclavi Atrij commorentur, ut in Diſciplinis Eccleſiaſticis agant, deputato probatiſſimo ſeniore, quem & Magiſtrum Diſciplinæ & teſtem vitæ habeant. [*e*] Conc. Chalced. c. 7. Τὸς ἄπαξ ἐν κλήρῳ τεταγμένους, ὡρίσαμεν, μήτε ὅπλα στρατείαν, μήτε ὅπ' ἀξίαν κοσμικὴν ἔχειν, &c.

Employment, and does not repent and return to the Office he had firſt choſen for God's ſake, he ſhould be anathematized. Which is repeated in the Council of *Tours*, [*f*] and *Tribur*, [*g*] and ſome others, where 'tis interpreted ſo, as to include the Inferior Orders as well as the Superior.

Sect. 6. *How they differed from the Superior Orders, in Name, in Office and Manner of Ordination.*

But though they agreed in this, yet in other Reſpects they differ'd very much from one another. As 1ſt in Name: The Clergy of the Superior Orders are commonly called the ἱερώμενοι Holy [*h*] and Sacred, as in *Socrates* and others: Whence the Name, Hierarchy, is us'd by the Author under the Name of *Dyonyſius* [*i*] the *Areopagite*, to ſignify peculiarly the Orders of Biſhops, Presbyters and Deacons; As *Hallier* a famous *Serbonne* Doctor has abundantly prov'd againſt *Cellotius* the Jeſuit in his Learned and Elaborate Defence [*k*] of the Hierarchy of the Church. But on the other Hand the Inferior Orders in the ancient Canons have only the Name of *Inſacrati*, Unconſecrated; as in the Council [*l*] of *Agde*, where the *Inſacrati Miniſtri* are forbidden to touch the ſacred Veſſels, or to enter into the *Diaconicon* or Sanctuary, it is plain there muſt be meant the Inferior Orders. 2. Another Difference, which gave Riſe to the former Diſtinction, was the different Ceremonies obſerv'd in the Manner of their Ordination. The one were always

[*f*] Si quis Clericus relicto Officij ſui Ordine, Laicam voluerit agere vitam, vel ſe militiæ tradiderit, excommunicationis pœna feriatur. [*g*] Conc. Triburienſ. c.27. [*h*] Socrat. Lib.1.c.10. & 15. [*i*] Dionyſ. de Hierar. Eccleſ. c. 5. n. 2. [*k*] Hallier Defenſio Hierarch. Eccleſ. Lib. 1. c. 3. Lib. 3. Sect. 2. c. 1. & 2. [*l*] Conc. Agathen. c. 66. Non licet inſacratos Miniſtros licentiam habere, in Secretarium, quod Græci Diaconicon appellant, ingredi, & contingere vaſa Dominica.

always ordain'd at the Altar; the others not ſo: The one with the Solemn Rite of Impoſition of Hands; the other commonly without it. Whence St. *Baſil* [*m*] calls the one Βαθμὸς, a Degree; but the other ἀχειροτόνητος ὑπηρεσία, an Inferior Miniſtry, which had no Impoſition of Hands. 3. The main Difference was in the Exerciſe of their Office and Function. The one were Ordain'd to Miniſter before God as Prieſts, to celebrate his Sacraments, expound his Word publickly in the Church, *&c.* In which reſpects the three ſuperior Orders of Biſhops, Presbyters, and Deacons are ſaid by *Optatus*, and others, to have each their Share and Degree in the Chriſtian Prieſthood, as has been noted [*] in the former Book: But the Inferior Orders were not appointed to any ſuch Miniſtry, but only to attend the Miniſters in Divine Service, and perform ſome lower and ordinary Offices, which any Chriſtian by the Biſhop's Appointment was qualified to perform. What theſe Offices were, ſhall be ſhew'd by a particular Account of them in the following Chapters.

[*m*] Baſil. Ep. Canon. c. 51. [*] *See Book* 2. *cap.* 19. *Sect.* 15.

CHAP. II.

Of Subdeacons.

Sect. 1. *No mention of Subdeacons, till the* 3*d Century.*

THE firſt Notice we have of this Order in any ancient Writers is in the middle of the 3d Century, when *Cyprian* and *Cornelius* lived, who both ſpeak of Subdeacons as ſettled in the Church in their Time.

Cyprian

Cyprian [*a*] mentions them at leaſt ten Times in his Epiſtles; and *Cornelius* in his famous Epiſtle [*b*] to *Fabius* Biſhop of *Antioch*, where he gives a Catalogue of the Clergy then belonging to the Church of *Rome*, reckons ſeven Subdeacons among them. But ſome think they were not quite ſo early in the *Greek* Church: For *Habertus* [*c*] ſays, no *Greek* Writer ſpeaks of them before *Athanaſius*, [*d*] who liv'd in the 4th Century.

Sect. 2: *Their Ordination perform'd without Impoſition of Hands, in the Latin Church.*

The Author of the Conſtitutions indeed refers them to an Apoſtolical Original, and in compliance with that *Hypotheſis* brings in *Thomas* the Apoſtle giving Direction to Biſhops to ordain them with Impoſition of [*e*] Hands and Prayer, as he does for all the reſt of the Inferior Orders. But that Author is Singular in this: For it does not appear to have been the Practice of the *Greek* Church, whoſe Cuſtoms he chiefly repreſents: St. *Baſil*, a more credible Witneſs, ſays of this, and all the other Inferior Orders, that they [*f*] were ἀχειροτόνητοι, ordained without Impoſition of Hands. And for the Latin Church it is evident from a Canon of the fourth Council of *Carthage*, where we have the Form and Manner of their Ordination thus expreſs'd: When [*g*] a Subdeacon is ordained, ſeeing he has no Impoſition of Hands, let him receive an empty Patin and an empty Cup from the Hands

[*a*] Cypr. Ep. 8. 20. 29, 34, 35, 45, 78, 79. ed. Oxon. [*b*] ap. Euſeb. Lib. 6. c. 43. [*c*] Habert. Archieratic. p. 49. [*d*] Athan. Ep. ad Solitar. Vit. agent. [*e*] Conſtit. Apoſt. Lib. 8. c. 21. [*f*] Baſil. Ep. Canon. c. 51. [*g*] Conc. Carth. 4. c. 5. Subdiaconus quum ordinatur, quia manûs Impoſitionem non accipit, Patinam de Epiſcopi manu accipiat vacuam & Calicem vacuum. De manu vero Archidiaconi, urceolum cum aqua & mantile, & manutergium.

Hands of the Biſhop, and an Ewer and Towel from the Archdeacon. Which Form wholly excluding Impoſition of Hands, is a good Collateral Evidence (as *Habertus* [*h*] confeſſes ingenuouſly) to prove that this Order was not inſtituted by the Apoſtles: For they did not uſe to omit this Ceremony in any of their Ordinations.

Sect. 3. *A brief Account of their Offices.*

As to the Office of Subdeacons, we may in ſome meaſure learn what it was from the foremen-tioned Canon, *viz.* That it was to fit and prepare the Sacred Veſſels and Utenſils of the Altar, and deliver them to the Deacon in Time of Divine Service. But they were not allowed to Miniſter as Deacons at the Altar; no nor ſo much as to come within the Rails of it, to ſet a Patin or Cup or the Oblations of the People thereon: As appears from a Canon [*i*] of the Council of *Laodicea*, which forbids the ὑπηρέται, by which is meant Subdeacons, to have any place within the *Diaconicon*, or Sanctuary, nor to touch the Holy Veſſels, meaning at the Communion Table. Though this is now their Office in the Church of *Rome*; and in that, *Bona* [*k*] owns they differ from thoſe of the ancient Church. Another of their Offices was to attend the Doors of the Church during the Communion-Service. This is mention'd by the Council of *Laodicea*, in a Canon [*l*] which fixes them to that Station. And *Valeſius* thinks *Euſebius* meant them, when deſcribing the Temple of *Paulinus*, he ſpeaks [*m*] of ſome, whoſe Office it was θυραυλεῖν καὶ ποδηγεῖν τὰς εἰσόδους, to attend the

[*h*] Habert. Archieratic. p 48. [*i*] Conc. Laodic. c. 21. [*k*] Bona Rer. Liturg. Lib. 1. c. 25. n. 16. Olim nec Calicem nec Patinam nec Oblationes in altari ponebant. [*l*] Conc. Laodic. c. 22. ὅτι δεῖ ὑπηρέτην τὰς θύρας ἐγκαλλιμπάνειν. [*m*] Euſeb. Hiſt. Lib. 10. c. 4.

the Doors, and conduct those that came in to their proper Places. The Author of the Constitutions [*n*] divides this Office between the Deacons and Subdeacons, ordering the Deacons to stand at the Mens Gate, and the Subdeacons at the Womens, that no one might go forth, nor the Doors be opened in the Time of the Oblation. Besides these Offices in the Church, they had another Office out of the Church, which was to go on the Bishop's Embassies with his Letters or Messages to foreign Churches. For in those Days, by reason of the Persecutions, a Bishop did not so much as send a Letter to a foreign Church but by the Hands of one of his Clergy: Whence *Cyprian* [*o*] gives such Letters the Name of *Literæ Clericæ*: And the Subdeacons were the Men that were commonly employed in this Office; as appears from every one of those Epistles in *Cyprian* which speak of Subdeacons; particularly in that which he wrote to the Clergy of *Carthage* in his Retirement, where he [*p*] tells them, that having Occasion to write to the Church of *Rome*, and needing some of the Clergy to convey his Letter by, he was obliged to ordain a new Subdeacon for this Purpose, because the Church could not spare him one at that Time, having scarce enough left to perform her own daily Services. These were anciently the Chief of the Subdeacon's Offices at their first Institution.

And

[*n*] Constit. Apost. Lib. 8. C. 11. [*o*] Cypr. Ep. 4. al. 9. Grave est si Epistolæ Clericæ veritas mendacio aliquo & fraude corrupta est. [*p*] Cypr. Ep. 24. al. 29. Quoniam oportuit me per Clericos scribere; Scio autem nostros plurimos absentes esse, paucos vero, qui illic sunt, vix ad ministerium quotidiani operis sufficere: necesse fuit novos aliquos constituere, qui mitterentur: Feciſſe me autem sciatis Lectorem Saturum, & Hypodiaconum Optatum Confessorem.

Sect. 4. *What Offices they might not perform.*

And great Care was taken that they ſhould not exceed their Bounds, or encroach too much upon the Deacon's Office. They might not take upon them to miniſter the Bread [q] or the Cup to the People at the Lord's Table; They might not bid the Prayers, or do any Part of that Service which the Deacons did, as they were the κήρυκες or holy Cryers of the Church. This is the Meaning of the Canon (r) of the Council of *Laodicea*, which prohibits the Subdeacons from wearing an Horarium in time of Divine Service; which was an Habit of Deacons that they made uſe of as a Signal to give Notice of the Prayers, and other Services of the Church, to the Catechumens, Penitents, &c. who were to obſerve their Directions: This Habit therefore the Subdeacons might not wear, becauſe it was a diſtinguiſhing Habit of a ſuperior Order. And farther, to ſhew the ſame Subjection and Deference to Deacons, as Deacons did to Presbyters, they are forbidden by another Canon [s] of that Council to ſit in the Preſence of a Deacon without his Leave.

Sect. 5. *The Singularity of the Church of* Rome *in keeping to the preciſe Number of Seven Subdeacons.*

There is but one thing more I ſhall note concerning this Order, which is the Singularity of the Church of *Rome* in keeping to the Number of Seven Subdeacons. For in the Epiſtle of *Cornelius*, [t] which gives us the Catalogue of the Romiſh Clergy, we find but Seven Deacons and Seven Subdeacons, though there were Forty four Presbyters and Forty two Acolythiſts, and of Exorciſts,

[q] Conc. Laodic. c. 25. ὃ δεῖ ὑπηρέτας ἅγιον διδόναι, ἢ ποτήριον εὐλογεῖν. [r] Ibid, c. 22. ὃ δεῖ ὑπηρέτην ὠφέλιον φορεῖν. &c. [s] Conc. Laodic. c. 20. [t] Ap. Euſeb. Lib. 6. c. 43.

Exorcists, Readers, and Door-keepers no less than fifty two. But other Churches did not tie themselves to follow this Example. For in the great Church of *Constantinople*, and three lesser that belong'd to it, there were ninety Subdeacons, as may be seen in one of *Justinian*'s Novels, [*t*] where he gives a Catalogue of the Clergy, and fixes the Number of every Order, amounting to above five hundred in the whole.

[*t*] Justin. Novel. 3.

CHAP. III.

Of Acolythists

Sect. 1. *Acolythists an Order peculiar to the* Latin *Church, and never mention'd by any* Greek *Writers, for four Centuries.*

NEXT to the Subdeacons the *Latin* writers commonly put Acolythists, which was an Order peculiar to the *Latin* Church: For there was no such Order in the *Greek* Church for above four hundred Years; nor is it ever so much as mention'd among the Orders of the Church by any *Greek* Writer all that time, as *Cabassutius* [*a*] and *Schelstrate* [*b*] confess. And though it occurs sometimes in the latter *Greek* Rituals, yet *Schelstrate* says it is there only another Name for the Order of Subdeacons. But in the *Latin* Church these two were distinguished: For *Cornelius* in his Catalogue makes a plain Difference between them in saying there were forty two Acolythists, and but seven Subdeacons

[*a*] Cabassut. Notit. Concil. c. 42. p. 249. [*b*] Schelstrat. de Concil. Antiocheno Dissert. 4. c. 17. p. 526.

deacons in the Church of *Rome*. *Cyprian* alſo ſpeaks of them [*c*] frequently in his Epiſtles, as diſtinct from the Order of Subdeacons; though wherein their Offices differed, is not very eaſy to determine from either of thoſe Authors.

Sect. 2. *Their Ordination and Office.*

But in the 4th Council of *Carthage* there is a Canon which gives a little light in the Matter. For there we have the Form of their Ordination, and ſome Intimation of their Office alſo. The Canon [*d*] is to this Effect: When any Acolythiſt is Ordain'd, the Biſhop ſhall inform him how he is to behave himſelf in his Office: And he ſhall receive a Candleſtick with a Taper in it from the Archdeacon, that he may underſtand that he is appointed to light the Candles of the Church. He ſhall alſo receive an empty Pitcher to furniſh Wine for the *Euchariſt* of the Blood of Chriſt. So that the Acolythiſt's Office ſeems at that Time to have conſiſted chiefly in theſe two things, Lighting the Candles of the Church, and Attending the Miniſters with Wine for the *Euchariſt*: The Deſignation to which Office needed no Impoſition of Hands, but only the Biſhop's Appointment, as is plain from the Words of the Canon now cited.

Sect. 3. *The Origination of the Name.*

Some think [*e*] they had another Office, which was to accompany and attend the Biſhop whitherſoever he went; and that they were called Acolythiſts upon this Account: Or perhaps

[*c*] Cypr. Ep. 7. 34. 52. 59. 77. 78. 79. ed. Oxon. [*d*] Conc. Carthag. 4. c. 6. Acolythus quum ordinatur, ab Epiſcopo quidem doceatur qualiter in Officio ſuo agere debeat: Sed ab Archidiacono accipiat Ceroferarium cum Cereo, ut ſciat ſe ad accendenda Eccleſiæ luminaria mancipari. Accipiat & Urceolum vacuum ad ſuggerendum vinum in Euchariſtiam ſanguinis Chriſti. [*e*] Duaren. de Miniſter. & Benefit. Lib. 1. cap. 14.

perhaps becauſe they were oblig'd to attend at Funerals in the Company of the *Canonicæ & Aſcetriæ*, with whom they are joyned in one of *Juſtinian's* [*f*] Novels. The Original Word Ἀκόλουθος, as *Heſychius* [*g*] explains it, ſignifies a young Servant, or an Attendant who waits continually upon another. And the Name ſeems to be given them from this. But the Inference which a Learned Perſon [*h*] makes from hence, that the Order of Acolythiſts was firſt in the *Greek* Church, becauſe the Name is of *Greek* Original, ſeems not to be ſo certain: Becauſe it can hardly be imagined, that it ſhould be an Order of the *Greek* Church, and yet no *Greek* Writer before *Juſtinian's* time make any Mention of it.

Sect. 4. *Whether Acolythiſts be the ſame with the* Deputati & Ceroferarij *of later Ages.*

I know indeed St. *Jerom* [*i*] ſays, it was a Cuſtom in the Oriental Churches to ſet up lighted Tapers when the Goſpel was read, as a Token and Demonſtration of their Joy: But he does not ſo much as once intimate, that they had a peculiar Order of Acolythiſts for this purpoſe: Nor does it appear that this was any part of their Office in the *Latin* Church: For that which the Council of *Carthage* ſpeaks of, is probably no more than Lighting the Candles at Night, when the Church was to meet for their *Lucernalis Oratio*, or Evening Prayer. This Office of Acolythiſts, as much as the Romaniſts contend for the Apoſtolical Inſtitution of it, is now no longer in being in the Church of *Rome*, but chang'd into

[*f*] Juſtin. Novel. 59. [*g*] Heſych. Ἀκόλουθος, ὁ νεώτερος θεραπὼν, διάκονος, ὁ ἀεὶ τὸ σῶμα. [*h*] Bp. Fell Not. in Cypr. Ep. 7. [*i*] Hieron. cont. Vigilant. T. 2. p. 123. Per Totas Orientis Eccleſias, quando legendum eſt Evangelium, accenduntur Lumina, &c.

into that of the *Ceroferarij*, or Taper-bearers, whoſe Office is only to walk before the Deacons, *&c.* with a lighted Taper in their Hands. Which is ſo different from the Office of the ancient Acolythiſts, that *Duarenus* [*k*] cannot but expreſs his Wonder, how the one came to be chang'd into the other, and why their Doctors ſhould call him an Acolythiſt of the Ancient Church, who is no more than a Taper-bearer of the preſent. Cardinal *Bona* [*l*] carries the Reflexion a little farther, and with ſome Reſentment complains, that the Inferior Orders of the *Romiſh* Church bear no Reſemblance to thoſe of the Primitive Church, and that for five hundred Years the ancient Diſcipline had been loſt.

[*k*] Duaren. de Miniſter. & Benefic. Lib. 1. c. 14. p. 74. Neſcio quomodo tandem factum eſt, ut hoc munus in luminariorum curam poſtea converſum ſit, & Doctores noſtri paſſim Acolythos Ceroferarios interpretentur. [*l*] Bona Rer. Liturg. Lib. 1. c. 25. n. 18. Deſierunt quoque minorum Ordinum Officia, quæ plerumque à pueris, & hominibus mercede conductis, nulliſque ordinibus initiatis exercentur, &c.

CHAP. IV.

Of Exorciſts.

Sect. 1. *Exorciſts at firſt no peculiar Order of the Clergy.*

THERE is nothing more certain than that in the Apoſtolical Age, and the next following, the Power of Exorcizing, or caſting out Devils, was a miraculous Gift of the Holy Ghoſt, not confined to the Clergy, much leſs to any ſingle Order among them, but given to other Chriſtians alſo, as many other extraordinary Spiritual Gifts then were. *Origen*

Origen [a] ſays private Chriſtians, that is Laymen, did by their Prayers and Abjurations diſpoſſeſs Devils. And *Socrates* [b] obſerves particularly of *Gregory Thaumaturgus*, that whilſt he was a Layman, he wrought many Miracles, healing the Sick, and caſting out Devils by ſending Letters to the poſſeſſed Party only. And that this Power was common to all Orders of Chriſtians, appears farther from the Challenges of the ancient Apologiſts, *Tertullian* [c] and others, to the Heathens, wherein they undertake, that if they would bring any Perſon poſſeſſed with a Devil into open Court before the Magiſtrate, any ordinary Chriſtian ſhould make him confeſs that he was a Devil, and not a God. *Minucius* [d] ſpeaks of this Power among Chriſtians, but he does not aſcribe it to any particular Order of Men; as neither does *Juſtin* [e] *Martyr*, nor *Irenæus* [f], nor *Cyprian* [g], nor *Arnobius* [h], though they frequently ſpeak of ſuch a Power in the Church.

Sect. 2. *Biſhops and Preſbyters for the Three firſt Centuries the uſual Exorciſts of the Church.*

But as this Gift was common to all Orders of Men, ſo it is reaſonable to believe, that it was in a more eſpecial manner conferred upon the Biſhops and Presbyters of the Church, who, when there was any Occaſion to uſe any Exorciſm in the Church, were the ordinary Miniſters of it. Thus Cardinal

[a] Orig. cont. Celſ. Lib. 7. p. 334. ἐυχῇ καὶ ἐξορκώσεσιν ἰδιῶται τὸ τοιῦτον παρέχουσι, &c. [b] Socrat. Lib. 4. c. 27. λαικὸς ὢν πολλὰ σημεῖα ἐποίησε, νοσοῦντας θεραπεύων, καὶ δαίμονας δι' ἐπιστολῶν φυγαδεύων. [c] Tertul. Apol. c. 23. Edatur hic aliquis ſub Tribunalibus veſtris, quem Dæmone agi conſtet. Juſſus à quolibet Chriſtiano loqui Spiritus ille, tam ſe Dæmonem confitebitur de vero, quam alibi Deum de falſo. [d] Minuc. Octav. p. 83. Ipſos Dæmonas de ſemetipſis confiteri, quoties à nobis Tormentis verborum & Orationis incendiis de corporibus exiguntur. [e] Juſtin. Apol. 1. p. 45. [f] Iren. Lib. 2. c. 56, & 57. [g] Cypr. ad Donat. p. 4. [h] Arnob. cont. Gent. Lib. 1.

Bona [*i*] underſtands that famous Paſſage of *Tertullian*, where ſpeaking [*k*] of a Chriſtian Woman who went to the Theatre and returned poſſeſſed with a Devil, he ſays the unclean Spirit was rebuked in Exorciſm for preſuming to make ſuch an Attempt upon a Believer: To which the Spirit replied, That he had a Right to her, becauſe he found her upon his own Ground. This Exorciſm, I ſay, *Bona* ſuppoſes to be performed by ſome Presbyter of the Church endowed with that miraculous Gift. And the like may be ſaid of thoſe Exorciſts in *Cyprian* [*l*] who caſt out Devils by a Divine Power; and of thoſe alſo who are mentioned by *Firmilian*, [*m*] as Perſons inſpired by Divine Grace to diſcern evil Spirits and detect them; as one of them did a Woman of *Cappadocia*, who pretended to be inſpired, and to work Miracles, and to baptize, and conſecrate the Euchariſt by Divine Direction. Theſe Exorciſms were plainly miraculous, and prove nothing more than that ſome Perſons had ſuch a Gift, who probably were ſome eminent Presbyters of the Church; at leaſt they do not prove that Exorciſts were as yet become any diſtinct Orders among the Clergy in the Church.

Some

[*i*] Bona Rer. Liturg. Lib. 1. c. 25. n. 17. [*k*] Tertul. de Spectac. c. 26. Theatrum adiit, & inde cum Dæmonio rediit. Itaq; in Exorciſmo cum oneraretur immundus Spiritus, quod auſus eſſet fidelem aggredi; Conſtanter & Juſtiſſime quidem (inquit) feci, in meo enim inveni. [*l*] Cypr. Ep. 76. al. 69. ad Magnum, p. 187. Quod hodie etiam geritur, ut per Exorciſtas, voce humana & poteſtate divina, flagelletur, & uratur, & torqueatur Diabolus. [*m*] Firmil. Ep. 75. ap. Cypr. p. 223. Unus de Exorciſtis —— inſpiratus Dei gratia fortiter reſtitit, & eſſe illum nequiſſimum Spiritum, qui prius Sanctus putabatur, oſtendit.

Sect. 3.
In what Senſe every Man his own Exorciſt.

Some think the Order was as old as *Tertullian*, becauſe *Ulpian*, the great Lawyer, who lived in *Tertullian*'s Time, in one of his Books [*n*] ſpeaks of Exorcizing as a thing uſed by Impoſtors, by whom probably he means the Chriſtians. *Gothofred* thinks he means the Jewiſh Exorciſts, who were commonly Impoſtors indeed: But admitting that he means Chriſtians (which is more probable, conſidering what *Lactantius* [*o*] ſays of him, That he publiſhed a Collection of the Penal Laws that had been made againſt them;) yet it proves no more than what every one owns, That Exorcizing was a thing then commonly known and practiſed among the Chriſtians. Others urge the Authority of *Tertullian* himſelf in his Book *de Corona Militis*, where yet he is ſo far from owning any particular Order of Exorciſts, that he rather ſeems to make every Man his own Exorciſt. For there among other Arguments which he urges to diſſuade Chriſtians from the military Life under Heathen Emperours, he makes uſe of this, [*p*] That they would be put to guard the Idol-Temples, and then they muſt defend thoſe Devils by Night, whom they had put to flight by Day by their Exorciſms; by which he means their Prayers, as *Junius* rightly underſtands him. And ſo in another Place diſſuading Chriſtians from ſelling ſuch things as would contribute towards upholding of Idolatry, or the Worſhip of Devils, he argues thus, That otherwiſe

[*n*] Ulpian. Lib. 8. de Tribunal. in Digeſt. Lib. 50. Tit. 13. Leg. 1. Si incantavit, ſi imprecatus eſt, ſi (ut vulgari verbo Impoſtorum utar) exorciſavit. [*o*] Lact. Inſtit. Lib. 5. c. 11. [*p*] Tertul. de Coron. Milit. c. 11. Quos interdiu Exorciſmis fugavit, noctibus defenſabit.

the Devils would be their *Alumni*; that is, might be ſaid to be foſtered and maintained by them, ſo long as they furniſhed out Materials to carry on their Service: And with what Confidence, ſays he, [q] can any Man exorcize his own *Alumni*, thoſe Devils, whoſe Service he makes his own Houſe an Armoury to maintain? *Vicecomes* [r] and *Bona* [s] by miſtake underſtand this as ſpoken of Exorciſm before Baptiſm, taking the Word *Alumni* to ſignify the Catechumens of the Church: Whereas indeed it ſignifies Devils in this Place, who are ſo called by *Tertullian* in reſpect of thoſe who contribute to uphold their Worſhip: For ſuch Men are a ſort of Foſter-fathers to them. So that this Paſſage, when rightly underſtood, makes nothing for the Antiquity of Exorciſts, as a peculiar Order of the Clergy, but only ſhews in what Senſe every Chriſtian is to be his own Exorciſt, *viz.* by his Prayers, reſiſting the Devil, that he may fly from him.

Sect. 4. *Exorciſts conſtituted into an Order in the latter End of the third Century.*

Setting aſide then both that extraordinary Power of Exorcizing, which was miraculous, and this ordinary way alſo, in which every Man was his own Exorciſt: It remains to be enquired, when the Order of the Exorciſts was firſt ſettled in the Church. And here I take *Bona*'s Opinion to be the trueſt, That it came in upon the withdrawing [t] of that extraordinary and miraculous Power; which probably was by Degrees, and not at the ſame Time in all Places. *Cornelius* [u] who lived in the third Century, reckons Exorciſts among the In-

[q] Tertul. de Idol. c. 11. Qua conſtantia exorcizabit Alumnos ſuos, quibus domum ſuam Cellariam præſtat? [r] Vicecom. de Ritib. Bapt. Lib. 2. c. 29. p. 362. [s] Bona Rer. Liturg. Lib. 1. c. 25. n. 17. [t] Bona ibid. Poſtea ſubtracta hac Poteſtate, conſtituit Eccleſia Ordinem, qui Dæmonia expelleret. [u] Ap. Euſeb. Lib. 6. c. 43.

Inferior Orders of the Church of *Rome*; Yet the Author of the Conſtitutions, who lived after him, ſays [*x*] it was no certain Order, but God beſtow'd the Gift of Exorcizing as a free Grace upon whom he pleaſed: And therefore conſonant to that Hypotheſis, there is no Rule among thoſe Conſtitutions for giving any Ordination to Exorciſts, as being appointed by God only, and not by the Church. But the Credit of the Conſtitutions is not to be rely'd upon in this Matter: For it is certain by this time Exorciſts were ſettled as an Order in moſt parts of the *Greek* Church as well as the *Latin*: Which is evident from the Council of *Antioch*, *An.* 341. in one of whoſe Canons [*y*] Leave is given to the *Chorepiſcopi* to promote the Subdeacons, Readers, Exorciſts; which argues, that thoſe were then all ſtanding Orders of the Church. After this Exorciſts are frequently mention'd among the Inferior Orders by the Writers of the fourth Century, as in the Council [*z*] of *Laodicea*, *Epiphanius* [*a*], *Paulinus* [*b*], *Sulpicius Severus* [*c*], and the Reſcripts of *Theodoſius* [*d*], and *Gratian* [*e*], in the *Theodoſian* Code, where thoſe Emperors grant them the ſame Immunity from Civil Offices, as they do to the other Orders of the Clergy.

Sect. 5. *Their Ordination and Office.*

Their Ordination and Office is thus deſcrib'd by the 4th Council of *Carthage*: [*f*] When an Exorciſt is Ordain'd, he ſhall receive at the hands of the

[*x*] Conſtit. Apoſt. Lib. 8. c. 26. [*y*] Conc. Antioch. c. 10. [*z*] Conc. Laodic. c. 24. & 26 [*a*] Epiphan. Expoſ Fid. n. 21. [*b*] Paulin. Natal. 4. S. Felicis. [*c*] Sulpic. Vit. S. Martin. c. 4. [*d*] Cod. Theod. Lib. 12. Tit. 1. de Decurion. Leg. 121. [*e*] Ib. Lib. 16 Tit. 2. de Epiſ Leg 24. [*f*] Conc. Carth. 4. c. 7. Exorciſta quum ordinatur, accipiat de manu Epiſcopi Libellum, in quo ſcripti ſunt Exorciſmi, dicente ſibi Epiſcopo: Accipe & commenda memoriæ, & habeto poteſtatem imponendi manus ſuper Energumenum, ſive Baptizatum, ſive Catechumenum.

Biſhop a Book, wherein the Forms of Exorcizing are written, the Biſhop ſaying, Receive thou theſe and commit them to Memory, and have thou Power to lay hands upon the Energumens, whether they be Baptized or only Catechumens. Theſe Forms were certain Prayers, together with Adjurations in the Name of Chriſt, commanding the unclean Spirit to depart out of the poſſeſſed Perſon: Which may be collected from the Words of *Paulinus* concerning the Promotion of St. *Felix* to this Office, where he ſays [*g*] from a Reader he aroſe to that Degree, whoſe Office was to Adjure evil Spirits, and to drive them out by certain Holy Words. It does not appear that they were Ordain'd to this Office by any Impoſition of Hands either in the *Greek* or *Latin* Church: But yet no one might pretend to exerciſe it either Publickly or Privately, in the Church or in any Houſe, without the appointment of the Biſhop, as the Council of *Laodicea* [*h*] directs; or at leaſt the Licence of a Chorepiſcopus, who in that Caſe was authorized [*i*] by the Biſhop's Deputation.

Sect. 6.
A ſhort account of the Energumens, their Names and Station in the Church.

As to the Energumens, for whoſe ſake this Office was appointed, they were ſo call'd from the *Greek* word ἐνεργούμενοι, which in its largeſt Signification denotes Perſons who are under the Motion and Operation of any Spirit, whether Good or Bad; but in a more reſtrained Senſe it is uſed by Eccleſiaſtical Writers for Perſons whoſe Bodies are ſeized or poſſeſſed with an Evil Spirit. Upon which Account they are otherwiſe called δαιμονιζόμενοι, *Dæmoniacks*,

[*g*] Paulin. Natal. 4. Felic. Primis lector ſervivit in annis, Inde gradum cepit, cui munus voce fideli Adjurare malos, & ſacris pellere verbis. [*h*] Conc. Laodic. c. 26. [*i*] Concil. Antioch. c. 10.

Dæmoniacks, and κατεχόμενοι, Poſſeſſed. And becauſe this was frequently attended with great Commotions and Vexations and Diſturbances of the Body, occaſioning ſometimes Phrenzy and Madneſs, ſometimes Epileptick Fits, and other violent Toſſings and Contorſions; Such Perſons are often upon that Account ſtil'd χειμαζόμενοι, by the *Greek*, and *Hyemantes* by the *Latin* Writers, that is, Toſſed as in a Winter-Storm or Tempeſt. Thus the Author of the Conſtitutions in ſome places [*k*] ſtiles them ſimply χειμαζόμενοι, by which that he means the Energumens is evident, becauſe in another place [*l*] he ſtiles them χειμαζόμενοι ὑπὸ τῦ ἀλλοτρίυ, ſuch as were under the Commotions and Vexations of Satan; and tells us that Prayer was made for them under that Character, in the Oblation at the Altar for all States and Conditions of Men, that God would deliver them from that violent Energy or Agitation of the wicked one. And thus moſt Learned Men, except *Albaſpinæus*, underſtand that Phraſe in the Canon of the Council of *Ancyra*, [*m*] which Orders ſome certain notorious Sinners, εἰς τὸς χειμαζομένυς εὔχεδαι, to Pray in *Loco Hyemantium*, in that part of the Church where the Dæmoniacks ſtood, which was a Place ſeparate from all the reſt. And ſome alſo think [*n*] the Name κλυδωνιζόμυοι, was given to the Energumens upon the ſame Account, becauſe it ſignifies Perſons agitated by a Spirit, as a Wave in a Tempeſt.

Now

[*k*] Conſtit. Apol. Lib. 8. c. 35, & 37. [*l*] Conſtit. Lib. 8. c. 12. ὠφελαλῦμέν σε ὑπὲρ τῦ χειμαζομένων ὑπὸ τῦ ἀλλοτρίυ—— ὅπως καθαρέσῃς ἐκ τῆς ἐνεργείας τῦ πονηρῦ. [*m*] Conc. Ancyr. c. 17. [*n*] Vid. Dodwel. Diſſert. 1. in Cypr. n. 17.

Sect. 7. *The Exorcist chiefly concerned in the Care of them.*

Now these Energumens, or Dæmoniacks, or whatever other Name they were called by, were the Persons about whom the Exorcists were chiefly concerned. For besides the Prayers which were offered for them in all Publick Assemblies, by the Deacons and Bishops, and the whole Congregation (some Forms of which Prayers may be seen in the Author [o] of the Constitutions) the Exorcists were oblig'd to Pray over them at other Times [p] when there was no Assembly in the Church; and to keep them employ'd in some innocent Business, as in sweeping [q] the Church and the like, to prevent more violent Agitations of Satan, lest Idleness should tempt the Tempter; And to see them provided of daily [r] Food and Sustenance, while they abode in the Church, which it seems was the chief place of their Residence and Habitation.

Sect. 8. *The Duty of Exorcists in Reference to the Catechumens.*

This was the Exorcist's Office in reference to the Energumens; to which *Valesius* [s] and *Gothofred* [t] add another Office, *viz.* That of exorcizing the Catechumens before Baptism. Which is a Matter that will admit of some Dispute. For it does not appear always to have been the Exorcist's Office, save only in one of these two Cases: Either first when a Catechumen was also an Energumen, which was a Case that very often happen'd: And then he was to be committed

[o] Constit. Apost. Lib. 8. c. 6, & 7. [p] Conc. Carthag. 4. c. 90 Omni die Exorcistæ Energumenis manus imponant. [q] Ib. c. 91 Pavimenta Domorum Dei Energumeni verrant. [r] Ibid c. 92. Energumenis in Domo Dei assidentibus victus quotidianus per Exorcistas opportuno tempore ministretur. [s] Vales. Not. in Euseb de Marryr. Palæstin. c. 2. [t] Gothofred. Not. in Cod. Th. Lib. 16. Tit. 2. Leg. 24.

mitted to the Care of the Exorciſts, whoſe Office was to exorcize all Energumens, whether they were baptized, or only Catechumens, as is evident from the Canon already alledged, Sect. 5. out of the Council of *Carthage*. Or, ſecondly, it might happen that the Exorciſt was alſo made the Catechiſt, and in that Caſe there can be no Queſtion but that his Office was as well to exorcize, as to inſtruct the Catechumens. But then the Catechiſt's Office was many times ſeparate from that of the Exorciſts (though ſome modern Writers confound them together:) Sometimes a Presbyter, or a Deacon, or a Reader was the Catechiſt: And in that Caſe it ſeems more probable that the Exorciſm of the Catechumens was performed by the Catechiſt, than by the Exorciſt; and for that Reaſon I ſhall treat of the Office of Catechiſt diſtinctly in its proper Place.

CHAP. V.

Of Lectors or Readers.

Sect. 1.
The Order of Readers not inſtituted till the 3d Century.

IT is the Opinion now of moſt learned Men, even in the Romiſh Church, that there was no ſuch Order as that of Readers diſtinct from others for at leaſt Two Ages in the primitive Church. *Bona* owns [a] it to be one of the Four Orders, which he thinks only of Eccleſiaſtical Inſtitution. And *Cotelerius* [b] ſays there is no Mention made of it before the Time of *Tertullian*, who is the firſt Author that ſpeaks of it as a ſtanding Order in the Church. For writing

[a] Bona Rer. Liturg. Lib. 1. c. 25. n. 17. [b] Goteler. Not. in Conſtitut. Apoſt. Lib. 2. c. 25.

writing againſt the Hereticks, [*c*] he objects to them that their Orders were deſultory and inconſtant: A Man was a Deacon among them one Day, and a Reader the next. Which implies, that it was otherwiſe in the Church, and that Readers then were as much a ſettled Order as Deacons, or any other. *Cyprian*, who lived not long after *Tertullian*, frequently ſpeaks of them as an Order of the Clergy. In one [*d*] Place he ſays he had made one *Saturus* a Reader; and in another Place he mentions one *Aurelius*, a Confeſſor, whom he had ordained a Reader for his ſingular Merits, and Conſtancy in time of Perſecution [*e*]: And for the ſame Reaſon he made *Celerinus*, another Confeſſor, one of the ſame Order [*f*] among the Clergy. So that it was then reckoned not only a clerical Office, but an honourable Office, to be a Reader in the Church, and ſuch a one as a Confeſſor needed not to be aſhamed of. Sometimes Perſons of the greateſt Dignity were ordained to this Office, as *Julian* is ſaid to have been in the Church of *Nicomedia* [*g*] while he profeſſed himſelf a Chriſtian. *Sozomen* [*h*] ſays expreſly, that both he and his Brother *Gallus* were reckoned among the Clergy, and read the Scriptures publickly to the People. And there is no Writer of that Age but always ſpeaks of Readers as a diſtinct Order of the Clergy in the Church. But

[*c*] Tertul. de Præſcript. c. 41. Hodie Diaconus, qui cras Lector. [*d*] Cypr. Ep. 24. al. 29. Feciſſe me ſciatis Lectorem Saturum. [*e*] Id. Ep. 33. al. 38. Merebatur Aurelius Clericæ Ordinationis ulteriores gradus——Sed interim placuit ut ab Officio Lectionis incipiat, &c. [*f*] Id. Ep. 34. al. 39. Referimus ad vos, Celerinum—— Clero noſtro non humana ſuffragatione, ſed Divina Dignatione conjunctum, &c. [*g*] Socrat. Lib. 3. c. 1. Nazian. Invectiv. 1. T. 1. p. 58. [*h*] Sozom. Lib. 5. c. 2. ὡς ϰὴ κλήρῳ ἐγκαταλεγῆναι, ϰὴ ἀναγινώσκειν τῷ λαῷ τὰς ἐκκλησιαστικὰς βίβλους.

Sect. 2.
By whom the Scriptures were read in the Church before the Inſtitution of that Order.

But ſince the Order of Readers, though frequently ſpoken of in the 3d and 4th Ages, are never once mentioned in the two Firſt, it will be proper to enquire, By whom the Scriptures were read in the Church for thoſe Two Centuries? Mr. *Baſnage* [i] is of Opinion, that the Chriſtian Church at firſt followed the Example of the Jewiſh Church, and in this Matter took her Model from the Synagogue; where, as he obſerves out of Dr. *Lightfoot*, [k] the Cuſtom was on every Sabbath-day to have Seven Readers, firſt a Prieſt, then a Levite, and after them Five Iſraelites, ſuch as the Miniſter of the Congregation (whom they called the Biſhop or Inſpector and Angel of the Church) thought fit to call forth and nominate for that Purpoſe: He thinks it was much after the ſame Manner in the Chriſtian Church; The Office was not perpetually aſſigned to any particular Man, but chiefly performed by Presbyters and Deacons, yet ſo as that any other might do it by the Biſhop's Appointment. But indeed the Matter is involved in ſo great Obſcurity, that no certain Conjectures can be made from the Writings of the Two firſt Ages; but all that we can argue is from the ſeeming Remains of the ancient Cuſtoms in the following Ages: For ſince we find that Deacons in many Churches continued to read the Goſpel, even after the Order of Readers was ſet up, as I have had Occaſion to ſhew [*] in another Place from the Author [l] of the Conſtitutions, and St. *Jerom* [m], and the Council [n] of *Vaiſon*, we may thence reaſonably conclude, that this was Part of

[i] Baſnag. Exercit. in Baron. p. 623. [k] Lightfoot Harm. p. 479. [*] Book 2. Chap. 20. Sect. 6. [l] Conſtit. Apoſt. Lib. 2. c. 57. [m] Hieron. Ep. 57. ad Sabin. [n] Conc. Vaſenſ. 2. c. 2

of their Office before: And since Presbyters and Bishops in other Churches did the same, as *Sozomen* [o] informs us, it may as rationally be inferr'd that this was their Custom in former Ages. But whether Laymen performed this Office at any Time by the Bishop's particular Direction, as the Israelites did in the Jewish Church, cannot be so certainly determined: Only we find that in after Ages in the most celebrated Church of *Alexandria*, even the Catechumens as well as Believers [p] were admitted to do the Office of Readers: And that may incline a Man to think that this Office was not wholly confined to the Clergy in the Two first Ages. But this being peculiar to the Church of *Alexandria*, nothing can be argued from it concerning the Practice of the universal Church; and therefore till some better Light is afforded, I leave this Matter undetermined.

Sect. 3. *The Manner of ordaining Readers.*

It is more certain that after the Order of Readers was set up, it was generally computed among the Orders of the Clergy; except perhaps at *Alexandria*, where that singular Custom prevailed of putting Catechumens into the Office: For it can hardly be supposed, that they reckoned Persons that were unbaptized, and not yet allowed to partake of the Holy Mysteries, into the Number of their Clergy. But in all other Places it was reputed a Clerical Order, and Persons deputed to the Office were ordained to it with the usual Solemnities and Ceremonies of the other inferior Orders. In the *Greek* Church *Habertus* [q] thinks they were ordained with Imposition of Hands, but among the *Latins*

[o] Sozom. Lib. 7. c. 19. [p] Socrat. Lib. 5. c. 22. ἐν τῇ αὐτῇ γὰρ Ἀλεξανδρείᾳ ἀναγνῶσαι καὶ ὑποβολεῖς ἀδιαφόρους, ὅτε κατηχέμενοί εἰσιν, εἴτε πιστοί. [q] Habert. Archieratic. Par. 4. Obs. 1. p. 41.

Latins without it. The Author of the Conſtitutions preſcribes a Form of Prayer to be uſed with Impoſition of Hands; but whether that was the Practice of all the *Greek* Church, is very much queſtioned. In the *Latin* Church it was certainly otherwiſe. The Council of *Carthage* [r] ſpeaks of no other Ceremony, but the Biſhops putting the Bible into his Hands in the Preſence of the People, with theſe Words: Take this Book, and be thou a Reader of the Word of God, which Office if thou fulfil Faithfully and Profitably, thou ſhalt have Part with thoſe that Miniſter in the Word of God. And in *Cypian*'s time they ſeem not to have had ſo much as this Ceremony of Delivering the Bible to them, but they were made Readers by the Biſhop's Commiſſion and Deputation only to ſuch a Station in the Church.

Sect. 4. *Their Station and Office in the Church.*

This was the *Pulpitum*, or *Tribunal Eccleſiæ*, as it is commonly called in *Cyprian*, the Reading-Desk in the Body of the Church, which was diſtinguiſhed from the *Bema* or Tribunal of the Sanctuary. For the Reader's Office was not to Read the Scriptures at the Altar, but in the Reading-Desk only. Whence, *ſuper Pulpitum imponi, & ad Pulpitum venire*, are Phraſes in *Cyprian* [s] to denote the Ordination of a Reader. In this Place, in *Cyprian*'s time, they Read the Goſpels, as well as other parts of Scripture; which is clear from

[r] Conc. Garth. 4. c. 8. Lector cum ordinatur, faciat de illo verbum Epiſcopus ad Plebem, indicans ejus Fidem, Vitam, & Ingenium. Poſt hæc ſpectante Plebe tradat ei Codicem, de quo lecturus eſt, dicens, Accipe & eſto Lector Verbi Dei, habiturus, ſi fideliter & utiliter impleveris Officium partem cum eis qui Verbum Dei miniſtraverunt. [s] Cypr. Ep. 38, & 39. ed Oxon.

from one of *Cyprian*'s [*t*] Epiſtles, where ſpeaking of *Celerinus* the Confeſſor, whom he had Ordained a Reader, he ſays, It was fitting he ſhould be advanced to the Pulpit or Tribunal of the Church, that having the advantage of an higher Station, he might thence read the Precepts and Goſpels of his Lord, which he himſelf as a couragious Confeſſor had followed and obſerved. *Albaſpinæus* [*u*] ſays, they alſo read the Epiſtles and Goſpels in the Communion-Service: But he ſhould firſt have proved, that thoſe were anciently any part of the Communion-Service: For they do not appear to have been ſo from the moſt ancient Liturgies, but were only read in the *Miſſa Catechumenorum*, or as we now call it, The firſt Service, at which the Catechumens were preſent. And whereſoever they were taken into the Communion-Service, it was the Office of Deacons, and not the Readers, to rehearſe them. But of this more when we come to the Liturgy and Service of the ancient Church.

Sect. 5.
The Age at which they might be Ordained.

There is but one thing more to be Noted concerning this Order, which is the Age at which Readers might be Ordain'd. That is fixt by one of *Juſtinian*'s Novels, [*x*] preciſely forbidding any one to be Ordained Reader before he was compleatly Eighteen years Old. But before this Law was made, it was cuſtomary to Ordain them much younger: For *Ennodius* Biſhop of *Ticinum* ſays of *Epiphanius* his Predeceſſor [*y*] that he was Ordain'd Reader at Eight

[*t*] Cypr. Ep. 34. al. 39. Quid aliud quam ſuper Pulpitum, id eſt, ſuper Tribunal Eccleſiæ oportebat imponi, ut loci altioris celſitate ſubnixus——legat Præcepta & Evangelia Domini, quæ fortiter ac fideliter ſequitur? [*u*] Albaſpin. Not. in Concil. Carthag. 3. Can. 4. [*x*] Juſtin. Novel. 123. c. 54. [*y*] Ennod. Vit. Epiphan. Bibl. Patr. Tom. 15. p. 295. Annorum ferme octo Lectoris Eccleſiaſtici ſuſcipit officium.

Eight Years old: As *Cæsarius Arelatensis* [z] is said to have been at Seven. And this leads us to understand what *Sidonius Apollinaris* means, when speaking of *John* Bishop of *Chalons*, he says, he was a Reader [a] from his Infancy. Which is also said of St. *Felix*, by [b] *Paulinus*, that he serv'd in the Office of a Reader from his tender Years. So *Victor Uticensis* describing the Barbarity of the *Vandalick* Persecution in *Africk*, he aggravates their Cruelty with this Circumstance, that they had Murder'd or Famish'd all the Clergy of *Carthage*, Five Hundred or more, among whom [c] there were many Infant-Readers. Now the Reason why Persons were Ordain'd so young to this Office, was what I have intimated before, That Parents sometimes Dedicated their Children to the Service of God from their Infancy, and then they were train'd up and Disciplin'd in some Inferior Offices, that they might be qualified and render'd more expert for the greater Services of the Church.

[z] Vit. Cæsar. ap. Sur. 27. Aug. Clero adscriptum inter ipsa Infantiæ rudimenta, post exactum ætatis septennium. [a] Sidon. Lib. 4. Ep. 25. Lector hic primum, sic Minister Altaris idque ab Infantia. [b] Paulin. Natal. 4. Felic. Primis Lector servivit in annis. [c] Victor. de Persec. Vandal. Lib. 3. Bibl. Patr. T. 7. 613. Fere quingenti vel amplius, inter quos quamplurimi erant Lectores Infantuli, &c.

CHAP. VI.

Of the Ostiarij *or Door-keepers.*

Sect. 1. *No mention of this Order till the 3d or fourth Century.*

THIS is the last of those Five Orders, which are pretended by the present Church of *Rome* to be of Apostolical Institution: But for three whole Centuries we never

ſo much as meet with the Name of it in any ancient Writer, except in the Epiſtle of *Cornelius* [a] Biſhop of *Rome*, where the πυλωροὶ or Door-keepers are mentioned with the reſt. In *Cyprian* and *Tertullian* there is no Mention of them: The firſt and loweſt Order with them is that of Readers, as it is now in the *Greek* Church, among whom the Order of Door-keepers has been laid aſide from the Time of the Council of *Trullo*, *An.* 692. as *Schelſtrate* [b] ſcruples not to confeſs, though he blames *Morinus* for being a little too frank and liberal in extending this Conceſſion to the Apoſtolical Ages; and in order to confute him alledges the Authority of *Ignatius* and *Clemens Romanus* [c] for the Antiquity of this Order. But he refers us only to ſpurious Treatiſes under their Names, not known till the 4th Century, about which Time 'tis owned this Order began to be ſpoken of by ſome few *Greek* Writers. For *Epiphanius* [d] and the Council of *Laodicea* [e] put the Θυρωροὶ, that is, Door-keepers, among the other Orders of the Clergy. And *Juſtinian* alſo in one of his Novels [f] ſpeaks of them as ſettled in the great Church of *Conſtantinople*, where he limits their Number to One Hundred, for the uſe of that and Three other Churches. This proves that they were ſettled in ſome Parts of the *Greek* Church, though as *Habertus* [g] obſerves, they continued not many Ages, nor ever univerſally obtained an Eſtabliſhment in all Churches.

What

[a] Ap. Euſeb. Lib. 6. c. 43. [b] Schelſtrat. Conc. Antioch. Diſſert. 4. c. 17. p. 520. [c] Ignat. Ep. ad Antioch. & Clement. Conſtit. Lib. 3. c. 11. [d] Epiphan. Expoſ. Fid. n. 21. [e] Conc. Laodic. c. 24. [f] Juſt. Novel. 3. c. 1. Inſuper centum exiſtentibus iis, qui vocantur Oſtiarij. [g] Habert. Archieratic. Par. 5. Obſ. 1. p. 47.

Sect. 2. *The manner of their Ordination in the* Latin *Church.*

What ſort of Ordination they had in the *Greek* Church we do not find: For there is no Author that ſpeaks of it. In the *Latin* Church it was no more but the Biſhop's Commiſſion, with the Ceremony of Delivering the Keys of the Church into their hands, and ſaying, Behave thy ſelf as one that muſt give an Account to God of the things that are kept lock'd under theſe Keys; as the Form is [*h*] in the 4th Council of *Carthage*, and the *Ordo Romanus* [*i*], and *Gratian* [*k*], who have it from that Council.

Sect. 3. *Their Office and Function.*

Their Office is commonly ſaid to conſiſt in taking care of the Doors of the Church in time of Divine Service, and in making a Diſtinction betwixt the Faithful and the Catechumens, and Excommunicated Perſons, and ſuch others as were to be excluded from the Church. But I confeſs this is more than can be made out from ancient Hiſtory, at leaſt in reference to the State and Diſcipline of many Churches. For in the *African* Church particularly, as I ſhall have occaſion to ſhew in another Place, a Liberty was given not only to Catechumens and Penitents, but alſo to Hereticks, Jews, and Heathens, to come to the firſt Part of the Churches Service, call'd the *Miſſa Catechumenorum*, that is, to hear the Scripture Read, and the Homily or Sermon that was made upon it; Becauſe theſe were Inſtructive, and might be means of their Converſion, ſo that there was no need of making any Diſtinction here. Then for the other

[*h*] Conc. Carth. 4. c. 9. Oſtiarius cum ordinatur---- ad ſuggeſtionem Archidiaconi tradat ei Epiſcopus claves Eccleſiæ, dicens, Sic age quaſi redditurus Deo rationem de his rebus quæ his clavibus recluduntur. [*i*] Ordo Roman. Part. 2. p. 98. [*k*] Grat. Diſt. 23. c. 19.

part of the Service called *Missa Fidelium*, or the Communion-Service, The Distinction that was made in that, was done by the Deacons or Subdeacons, and Deaconesses, as I have shew'd before in speaking of those Orders. So that all that the Door-keepers could have to do in this Matter, was only to open and shut the Doors as Officers and Servants under the other, and to be govern'd wholly by their Direction. It belonged to them likewise to give Notice of the Times of Prayer and Church-Assemblies; which in time of Persecution required a Private Signal for fear of Discovery: And that perhaps was the first Reason of instituting this Order in the Church of *Rome*, whose Example by degrees was follow'd by other Churches. However it be, their Office and Station seems to have been little more than that of Clerks and Sextons in our Modern Churches.

CHAP. VII.

Of the Psalmistæ *or Singers.*

Sect. 1. *The Singers a Distinct Order from Readers in the ancient Church.*

I have hitherto given an Account of those Five Inferior Orders, which the Church of *Rome* has singled out from the rest, and without any reason Stampt them with the Authority and Character of Apostolical Institution; whilst yet she takes no Notice of some others, which have as good Pretence to Antiquity, and to be stiled distinct Clerical Orders, as most of the former. Among these I reckon the *Psalmists*, the *Copiatæ*, and the *Parabolani* of the Primitive Church. *Habertus* [a] and

[a] and *Bellarmin* [b] and others, who are concern'd to maintain the Credit of the *Romiſh* Church in making but Five Inferior Orders, pretend that Singers and Readers are only one and the ſame Order. But as the Canoniſts of their own Church generally reckon them Two, ſo nothing can be more evident than that they were always accounted ſo in the Primitive Church from their firſt Inſtitution. For they are diſtinguiſhed as much as any other Orders by all the Writers that mention them, as the Reader that is Curious in this Matter, may ſatisfy himſelf by conſulting the Places of *Ephrem Syrus* [c], the Council of [d] *Laodicea*, and thoſe called the Apoſtolical Canons [e] and Conſtitutions [f], the Author [g] of St. *Mark*'s Liturgy, the Epiſtle under the Name [h] of *Ignatius*, *Juſtinian* [i], and the Council of *Trullo* [k], referr'd to in the Margin. Particularly *Juſtinian*'s Novel does ſo diſtinguiſh them, as to inform us that there were Twenty Five Singers and One Hundred and Ten Readers in the *Greek* Church of *Conſtantinople*. Which is a convincing Evidence that they were of different Orders.

Sect. 2. *Their Inſtitution and Office.*

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[a] Habert. Archierat. Par. 4. Obſ. 4. p. 44. [b] Bellarm. de Clericis Lib. 1. c. 11. [c] Ephrem, 93. Serm. de 2do Dom. Advent. [d] Conc. Laodic. Can. 24. [e] Can. Apoſt. c. 69, & 43. [f] Conſtit. Apoſt. Lib. 3. c. 11. [g] Liturg. Marci. Bibl. Patr. Gr. Lat. T. 2. p. 35. [h] Epiſt. ad Antiochen. [i] Juſtin. Novel. 3. c. 1. [k] Concil. Trull. c. 4.

part of the Service called *Missa Fidelium*, or the Communion-Service, The Distinction that was made in that, was done by the Deacons or Subdeacons, and Deaconesses, as I have shew'd before in speaking of those Orders. So that all that the Door-keepers could have to do in this Matter, was only to open and shut the Doors as Officers and Servants under the other, and to be govern'd wholly by their Direction. It belonged to them likewise to give Notice of the Times of Prayer and Church-Assemblies; which in time of Persecution required a Private Signal for fear of Discovery: And that perhaps was the first Reason of instituting this Order in the Church of *Rome*, whose Example by degrees was follow'd by other Churches. However it be, their Office and Station seems to have been little more than that of Clerks and Sextons in our Modern Churches.

CHAP. VII.

Of the Psalmistæ *or Singers.*

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have been to Regulate and Encourage the ancient Psalmody of the Church. For from the first and Apostolical Age Singing was always a Part of Divine Service, in which the whole Body of the Church joyn'd together: Which is a thing so evident, that though *Cabassutius* [*l*] denies it, and in his Spite to the Reformed Churches, where it is generally practised, calls it only a Protestant-Whim; yet Cardinal *Bona* has more than once [*m*] not only confessed, but solidly prov'd it to have been the Primitive Practice. Of which therefore I shall say no more at present, but only observe, that it was the Decay of this that first brought the Order of Singers into the Church. For when it was found by Experience, that the Negligence and Unskilfulness of the People render'd them unfit to perform this Service without some more curious and skilful to guide and assist them; then a peculiar Order of Men were appointed, and set over this Business, with a Design to retrieve and improve the ancient Psalmody, and not to abolish or destroy it. And from this Time these were called κανονικοὶ ψαλται, The Canonical Singers, that is, such as were enter'd into the Canon or Catalogue of the Clergy, which distinguished them from the Body of the Church. In some Places it was thought fit for some time to prohibit all others from Singing but only these; with Design, no doubt, to restore the Concent of the ancient Ecclesiastical Harmony, which otherwise could not well have been done, but by obliging the rest for some time to be Silent, and learn of those who were more skill'd in the Art of Musick. Thus I understand that Canon of the

[*l*] Cabassut. Notit. Concil. c. 38. p. 201. [*m*] Bona Rer. Liturg. Lib. 1. c. 25. n. 19. It. de Divin. Psalmod. c. 17.

the Council [n] of *Laodicea*, which forbids all others to Sing in the Church, except only the Canonical Singers, who went up into the *Ambo* or Singing-Desk, and Sung out of a Book. This was a Temporary Provision, design'd only to restore and revive the ancient Psalmody, by reducing it to its Primitive Harmony and Perfection. That which the rather inclines me to put this Sense upon the Canon, and look upon it only as a Prohibition for a time, is, that in after Ages we find the People Enjoy'd their ancient Privilege of Singing all together; which is frequently mention'd by St. *Austin*, *Ambrose*, *Chrysostom*, *Basil*, and many others, who give an Account of the Psalmody and Service of the Church in their own Ages, of which I shall speak more hereafter in its proper place.

Sect. 3. *Why called* ὑποφολεῖς.

Here I must Note, that these Canonical Singers were also call'd ὑποφολεῖς, Monitors, or Suggestors, from their Office, which was to be a sort of Præcentors to the People: For the Custom in some Places was for the Singer or Psalmist to begin a Psalm or Hymn, and Sing half a Verse by himself, and then the People answer'd in the latter Clause; And from this they were said ὑποηχεῖν, or *Succinere*, to Sing after him, by way of *Antiphona* or Responsal. In this Sense *Epiphanius Scholasticus* understands the Name ὑποφολεῖς in *Socrates* [o], for he Translates it, *Psalmi Pronunciatores*: And so both *Valesius* [p], and *Cotelerius* [q], explain it. But *Habertus* is of the contrary Mind:

[n] Conc. Laodic. c. 15. μὴ δεῖν πλέον τῶν κανονικῶν ψαλτῶν τῶν ὅτι τὸν Ἄμβωνα ἀναβαινόντων, καὶ ἀπὸ διφθέρας ψαλλόντων, ἑτέρους τινὰς ψάλλειν ἐν ἐκκλησίᾳ. [o] Socrat. Lib. 5. c. 22. [p] Vales. in Socrat. ibid. [q] Coteler. Not. in Constit. Apost. Lib. 2. c. 57.

mind: He thinks [r] the Name, ὑποδολεῖς, denotes not Singers, but Readers; And that they were so called, because they suggested to Preachers a Portion of Scripture to discourse upon: For then their Homilies were frequently upon such Parts of Scripture as every Reader had just before repeated. The Controversy is nice betwixt these two Learned Men, and I shall no farther enquire into the Merits of it, but leave it to every Judicious Reader to determine.

Sect. 4. *What sort of Ordination they had.*

There is but one thing more that needs be Noted concerning this Order, which is the Manner of their Designation to this Office: Which in this agreed with all the other Inferior Orders, that it required no Imposition of Hands, or Solemn Consecration: But in one thing it differed from them; That whereas the rest were usually conferr'd by the Bishop or a Chorepiscopus, this might be conferr'd by a Presbyter, using this Form of Words, as it is in the Canon of the 4th Council [s] of *Carthage*: See that thou believe in thy Heart what thou Singest with thy Mouth, and approve in thy Works what thou believest in thy Heart. And this is all the Ceremony we find any where used about their Designation.

[r] Habert. Archierat. Par. 4. Obs. 1. p. 39. [s] Conc. Carthag. 4. c. 10. Psalmista, id est, Cantor Potest, absq; Scientia Episcopi, sola jussione Presbyteri, Officium suscipere cantandi, dicente sibi Presbytero: Vide ut quod ore cantas, corde credas: & quod corde credis, operibus comprobes.

CHAP.

CHAP. VIII.

Of the Copiatæ *or* Foſſarij.

Sect. 1. *The* Copiatæ *or* Foſſarij *reckoned among the* Clerici *of the Primitive Church.*

ANother Order of the Inferior Clergy in the Primitive Church were thoſe whoſe Buſineſs was to take care of Funerals, and provide for the decent Interment of the Dead. Theſe in ancient Writers are commonly term'd *Copiatæ*, which is the Name that *Conſtantius* gives them in two Reſcripts [*a*] in the *Theodoſian Code*. *Epiphanius* ſpeaks of them [*b*] under the ſame Name, ſtiling them Κοπιάται, and the Author [*c*] under the Name of *Ignatius*, Κοπιῶντες. *Gothofred* [*d*] deduces it from the *Greek* Word κοπάζειν, which ſignifies Reſting; others from κοπετὸς, Mourning; but generally the Name is thought to be given them from κόπος and κοπιᾶσθαι, which ſignify Labouring; whence they are by ſome called *Laborantes*. The Author under the Name of St. *Jerom* [*e*] ſtiles them *Foſſarij*, from digging of Graves: And in *Juſtinian*'s Novels [*f*] they are call'd *Lecticarij* from carrying the Corps or Bier at Funerals. *Gothofred* thinks it improper to reckon theſe among the *Clerici* [*g*] of the ancient Church: But when we are ſpeaking of Things and Cuſtoms of the ancient Church, I know not how we ſhall ſpeak more properly than in the Language of the Ancients, who themſelves call them ſo. For not only the

[*a*] Cod. Th. Lib. 13. Tit. 1. de Luſtrali Collat. Leg. 1. It. Lib. 16. Tit. 2. de Epiſc. Leg. 15. [*b*] Epiphan. Expoſ. Fid. n. 21. [*c*] Epiſt. ad Antioch. n. 12. [*d*] Gothofred. Com. in Cod. Th. Lib. 13. Tit. 1. Leg. 1. [*e*] Hieron. de 7. Ordin. Eccleſ. T. 4. p. 81. [*f*] Juſtin. Novel. 43, & 59. [*g*] Gothofr. Not. in Cod. Th. Lib. 16. Tit. 2. Leg. 15.

the Author [*b*] under the Name of St. *Jerom*, calls them the first Order of the *Clerici*, as they are in his Account: But St. *Jerom* himself also gives them the same Title, speaking of one that was to be interred: The *Clerici*, says he, whose Office [*i*] it was, wound up the Body, digged the Earth, builded a Vault, and so according to Custom made ready the Grave. This is the Reason why *Epiphanius* [*k*] and the counterfeit *Ignatius* reckon them among the inferior Orders. And *Gothofred* had no Need to make Emendations upon those imperial [*l*] Laws in the *Theodosian Code*, which give the *Copiatæ* the Name of *Clerici*, and entitle them to some Immunities and Privileges upon that Account: For this, as appears, was only to speak in the Language and Stile of other Ecclesiastical Writers.

Sect. 2.

First instituted in the Time of Constantine.

This Order seems to have been first instituted in the Time of *Constantine*: For *Constantius* his Son, in one of those Laws just now referr'd to, speaks of it as a late Institution; and there is no Writer of the Three first Ages that ever mentions it, but all that Time the Care of interring the Dead was only a charitable Office, which every

[*b*] De 7 Ordin. Eccles. Primus in Clericis Fossariorum Ordo est, &c. [*i*] Hieron. Ep. ad Innocent. de Muliere septies icta. T. 1. p. 235. Clerici, quibus id Officij erat, cruentum linteo Cadaver obvolvunt, & fossam humum lapidibus construentes ex more tumulum parant. [*k*] Epiphan. & Ignat. ubi supra. [*l*] Cod. Th. Lib. 7. Tit. 20. de Veteranis Leg. 12. Dum sequidam Vocabulo Clericorum, & infaustis defunctorum obsequiis occupatos——defendunt, &c. Ibid. Lib. 13. Tit. 1. de Lustrali Collat. Leg. 1. Clericos excipi tantum, qui Copiatæ appellantur, &c. Ibid. Lib. 16. Tit. 2. de Episc. Leg. 15. Clerici vero, vel hi quos Copiatas recens usus instituit nuncupari, &c.

every Christian thought himself oblig'd to perform as occasion required. And that is the Reason why we meet with so many noble Encomiums of this sort of Charity in the Writers of those Ages, but never once mention of any Order Instituted for that Purpose. But when *Constantine* came to the Throne, and was quietly settled in his new Seat at *Constantinople*, he incorporated a Body of Men to the number of Eleven Hundred in that City, under the Name of *Copiatæ*, for that particular Service: And so they continued to the time of *Honorius* and *Theodosius Junior*, who reduc'd them [*m*] to Nine Hundred and Fifty: But *Anastasius* augmented them again to the first Number, which *Justinian* confirmed by two Novels [*n*] publish'd for that purpose. And I suppose from this Example of the *Constantinopolitan* Church they took their Rise in other Populous Churches.

Sect. 3. *Why called* Decani *and* Collegiati.

But probably there might be some little difference between those in the Church of *Constantinople* and others in the lesser Churches. For at *Constantinople* they were Incorporated into a sort of Civil Society, in the *Roman* Language call'd *Collegium*, a College; whence the Laws sometimes stile them *Collegiati*, and *Decani*, *Collegiates*, and *Deans*. As in the forementioned Laws of *Honorius* and *Theodosius Junior*, and *Justinian*, and another of *Theodosius* the Great [*o*] in the *Justinian Code*, where he grants them an Exemption from

[*m*] Cod. Just. Lib. 1. Tit. 2. de SS. Eccles. Leg. 4. Non plures quam nongenti Quinquaginta Decani deputentur Ecclesiæ, &c. [*n*] Justin. Novel. 43, & 59. [*o*] Cod. Just. Lib. 11. Tit. 17. de Collegiatis Leg. unica. Qui sub pretextu Decanorum seu Collegiatorum, cum id munus non impleant, aliis se muneribus conantur subtrahere, eorum fraudibus credimus esse obviandum.

from some other Civil Offices, provided they did not Act upon a feign'd and pretended Title, but were really Employ'd in the Service of the Church. But why they were call'd *Decani*, is not very easie to conjecture. Probably it might be, because they resembled the Palatine Deans, who were a sort of Military Officers belonging to the Emperor's Palace, and are Stil'd also *Corpus Decanorum* in both the *Codes* [p] mention'd by St. *Chrysostom* [q] and other *Greek* Writers under the Name of δεκανοὶ ἐν τοῖς βασιλείοις, Deans of the Palace, to distinguish them from those other Deans of the Church, which some unwarily confound together. But I am not very confident that this was the Reason of the Name, and therefore I only propose it as a Conjecture, till some one assigns a better Reason for it.

Sect. 4. *Their Office and Privileges.*

Their Office was to take the whole Care of Funerals upon themselves, and to see that all Persons had a Decent and Honourable Interment. Especially they were oblig'd to perform this last Office to the poorer sort, without exacting any thing of their Relations on that Account. That it was so at *Constantinople*, appears from one of *Justinian*'s [r] Novels, which acquaints us how *Anastasius* the Emperor settled certain Revenues of Land upon this Society, and order'd a certain Number of Shops or Work-houses in the City to be freed from all manner of Tribute, and to be Appropriated to this Use; out of whose Income and Annual Rents of the Lands, the Defensors and Stewards of the Church, who had the chief care and oversight of the Matter, were to pay these Deans,

[p] Vid. Cod. Theod. Lib. 6. Tit. 33. de Decanis. Leg. 1. It. Cod. Just. Lib. 12. Tit. 27. Leg. 1, & 2. [q] Chrys. Hom. 13. in Hebr. p. 1849. [r] Justin. Nov. 59.

Deans, and see the Expenses of such Funerals Defrayed. *Justinian* not only confirmed that Settlement, but a Complaint being made of an Abuse, that notwithstanding the Laws of *Anastasius*, Pay was Exacted for Funerals, he published That his Novel on purpose to correct it. But we do not find that such Settlements were made in all other Churches, but it is more probable that the *Copiatæ* were maintain'd partly out of the Common Stock of the Church, and partly out of their own Labour and Traffick, which for their Encouragement was generally exempted from paying Custom or Tribute, as we shall see hereafter.

CHAP. IX.

Of the Parabolani.

Sect. 1. *The* Parabolani, *ranked by some among the* Clerici.

ANOTHER Order of Men, which by some are reckon'd among the *Clerici* of the ancient Church, were those whom they called *Parabolani*. *Theodosius Junior*, in one of his Laws relating to them in the *Theodosian Code* [*a*], puts them among the *Clerici*, and evidently includes them under that common Title, as *Gothofred* rightly observes in his Exposition of the Place. *Baronius* himself does not deny that they were of the Clergy, but he would perswade his Reader that they were not a distinct Order, but chosen out of the Inferior Orders of the Clergy, [*b*] of

[*a*] Cod. Th. Lib. 16. Tit. 2. de Episc. Leg. 42. Placet nostræ Clementiæ, ut nihil commune Clerici cum Publicis Actibus vel ad Curiam pertinentibus habeant. Gothofr. Not. in Loc. Sane Clericorum eos numero fuisse, tum hujus Legis initium, tum utraque hæc Lex & sequens ostendunt.

[*b*] of which there is nothing said in that Law, but rather the contrary, that they were to be chosen out of the Poor of *Alexandria*.

Sect. 2. *Their Institution and Office.*

Their Office is described in the next Law, where they are said to be deputed to attend upon the Sick, and to take care of their Bodies in time of their Weakness. [*c*] At *Alexandria* they were incorporated into a Society to the number of Five or Six Hundred, to be chosen at the Discretion of the Bishop of the Place, out of any sort of Men except the *Honorati* and *Curiales*, who were tied to serve in the Civil Offices of their Country, and therefore were not allowed to enter themselves into any Ecclesiastical Service. They were to be under the Government and Direction of the Bishop, as appears from the same Law, which is a Correction of the former Law; for by it they were put under the Government of the *Præfectus Augustalis*, (as the chief Civil Magistrate was call'd at *Alexandria*;) but by this Law *Theodosius* revoked his former Decree, and subjected them intirely to the Care and Disposition of the Bishop; or, as the *Greek* Collector of the Ecclesiastical Constitutions out of the Civil Law [*d*] stiles him, The Pope, meaning not the Pope of *Rome*, as some ignorantly mistake, but the Pope or Bishop of *Alexandria*. For then it was Customary to give every Bishop the Name of *Papa*, as has been shewed in another Place

[*b*] Baron. an. 416. Tom. 4. p. 400. Fuisse hos minoris Ordinis Clericos allectos, exordium dati hoc anno Rescripti insinuare videtur. [*c*] Cod. Th. Ibid. Leg. 43. Parabolani, qui ad curandâ debilium ægra corpora deputantur, quingentos esse antè præcepimus: sed quia hos minus sufficere in præsenti cognovimus, pro quingentis Sexcentos constitui præcipimus, &c. [*d*] Collect. Constit. Eccles. Lib. 1. Tit. 3. c. 18.

Place [*]. What Time this Order began, we cannot certainly determine: The first Notice we have of it is in these Laws of *Theodosius Junior*, *An.* 415. yet it is not there spoken of as newly instituted, but as settled in the Church before. And probably it might be instituted about the same Time as the *Copiatæ* were under *Constantine*, when some charitable Offices, which were only voluntarily practised by Christians before, as every ones Piety inclined him, were now turned into standing Offices, and settled upon a certain Order of Men particularly devoted to such Services. That it was not any Order peculiar to the Church of *Alexandria*, is evident, because there is Mention made of the *Parabalani* being at *Ephesus* in the Time of the 2d Council that was held there, *An.* 449. For *Basilius Seleuciensis*, who subscribed there to the Condemnation of *Flavian*, and the Absolution of *Eutyches* the Heretick, being brought to a Recantation in the Council of *Chalcedon*, makes this Apology for himself, that he was terrified into that Subscription by the Soldiers that came armed into the Church, together with *Barsumas* and his Monks, and the [e] *Parabalani*, and a great Multitude of others. The original Word is παραβαλανεις, which the old Translator rightly renders, *Parabalani*, which is the same with *Parabolani*, for it is written both ways in ancient Authors: But *Binius* in his *Greek* Edition of the Councils, not understanding the Word, explains it, *ii qui circa Balnea versantur*, as if the *Parabalani* had been Persons attending at the publick Baths; whereas now all Men know their Office was of a different Nature, and their Name given them for

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[*] Book 2. Chap. 2. Sect. 7. [e] Concil. Chalced. Act. 1. Tom. 4. p. 252.

a Reaſon very different from that of giving Attendance at the Baths.

Sect. 3. *The Reaſon of the Name* Parabolani.

As to the Reaſon of their Name, to omit the fanciful Interpretations of *Alciat* and *Accurſius*, which are ſufficiently expoſed by *Gothofred*, the Opinion of *Duarenus* [*f*] and *Gothofred* ſeems to be the trueſt, that they were call'd *Parabolani* from their undertaking παράβολον ἔργον, a moſt dangerous and hazardous Office, in attending the ſick, eſpecially in Infectious and Peſtilential Diſeaſes. The *Greeks* were us'd to call thoſe παράβολοι, who hired themſelves out to fight with wild Beaſts in the Amphitheatre. And ſo *Socrates* the Hiſtorian [*g*] uſes the Word, ſpeaking of *Theodoſius* his exhibiting one of the Publick Games to the People at *Conſtantinople*, he ſays, The People cried out to him that he ſhould ſuffer one of the bold παράβολοι to fight with the wild Beaſts. Theſe were thoſe whom the *Romans* called *Beſtiarij*, and ſometimes *Paraboli & Parabolarij*, from the *Greek* Word παραβάλλεσθαι, which ſignifies expoſing a Man's Life to Danger, as they that fought with wild Beaſts did. In this Senſe, I have had occaſion to ſhew [*] before, the Chriſtians were generally called *Parabolarij* by the Heathens, becauſe they were ſo ready to expoſe their Lives to Martyrdom. And it is the Opinion of *Gothofred* [*h*] and ſome other [*i*] Learned Criticks, that the antient Reading of the *Greek* Copies of St. *Paul*'s Epiſtle to the *Philippians* Chap. 2. ver. 30. was παραβολευσάμενος τῇ ψυχῇ, expoſing his Life

[*f*] Duaren. de Miniſt. & Benefic. Lib. 1. c. 19. [*g*] Socrat. Lib. 7. c. 22. ὁ δῆμος κατεβόα, δεινῷ θηρίῳ ἕνα τῶν εὐφυῶν παραβόλων μάχεσθαι. [*] *Book* 1. *Cap.* 2. *Sect.* 9. [*h*] Gothofr. Not. in Cod. Th. 16. 2. 42. [*i*] Vid. Grot. Hammond. Capel. in Philip. 2. 30.

Life to Danger, as an old *Latin* Interpreter of *Pu-eanus*'s renders it, *Parabolatus de anima ſua.* In the ſame ſenſe theſe *Parabolani* of the Primitive Church we are now ſpeaking of, had their Name from their bold expoſing their Lives to Danger in Attendance upon the Sick in all Infectious and Peſtiential Diſtempers.

Sect. 4. *Some Laws and Rules concerning their Behaviour.*

I ſhall only obſerve farther of them, that being commonly, according to their Name, Men of a bold and daring Spirit, they were ready upon all Occaſions to ingage in any Quarrel that ſhould happen in Church or State. As they ſeem to have done in the Diſpute between *Cyril* the Biſhop, and *Oreſtes* the Governor of *Alexandria*: Which was the Reaſon why *Theodoſius* by his firſt Law ſunk their Number to Five Hundred, and put them under the Inſpection of the *Præfectus Auguſtalis*, and ſtrictly prohibited them from appearing at any publick Shews, or in the Common Council of the City, or in the Judges Court, unleſs any of them had a Cauſe of his own, or of the whole Body, as their Syndick, to proſecute there; and then he muſt appear ſingle without any of his Order or Aſſociates to abett him. And though he not long after revoked this Law as to the former Part, allowing them to be Six Hundred, and the Biſhop to have the Choice and Cognizance of them; yet in all other Reſpects he order'd it to ſtand in its full Force, ſtill prohibiting them to appear in a Body upon any of the foreſaid [*k*] Occaſions:

[*k*] Cod. Juſt. Lib. 1. Tit. 3. de Epiſc. Leg. 18. Hi ſexcenti Viri reverendiſſimi Sacerdotis Præceptis ac Diſpoſitionibus obſecundent: Reliquis, quæ dudum latæ Legis forma complectitur ſuper his Parabolanis, vel de ſpectaculis, vel de Judiciis, cæteriſque (ſicut jam ſtatutum eſt) cuſtodiendis.

casions: And *Justinian* made this Law perpetu by inserting it into his own Code. Which she that the Civil Government always looked up these *Parabolani* as a formidable Body of Men, a accordingly kept a watchful Eye and strict Ha over them, that whilst they were serving t Church, they might not do any Disservice to t State, but keep within the Bounds of that Offi whereto they were appointed.

CHAP. X.

Of the Catechists.

Sect. 1. *Catechists no Distinct Order of the Clergy, but chosen out of any other Order.*

I Have hitherto discoursed such particular Orders of t Ecclesiasticks in the Primiti Church, as were destinated pr cisely to some particular Offi and Function: But there were some Offices whi did not require a Man to be of any one distinct Orde but might be perform'd by Persons of any Orde and it will be necessary I should give some A count of these also, whilst I am treating of t Clergy of the Church. The first of these I sha speak of is the Catechist, whose Office was to in struct the Catechumens in the first Principles of R ligion, and thereby prepare them for the Recept on of Baptism. This Office was sometimes done b the Bishop himself, as is evident from that Passag in St. *Ambrose*, where he says [*a*] upon a certai Lord's-Day after the reading the Scriptures and th Sermon, when the Catechumens were dismis

[*a*] Ambros. Ep. 33. Post Lectiones atque Tractatum, dimi Catechumenis, symbolum aliquibus Competentibus in Baptist riis tradebam Basilicæ.

e took the Competentes, or Candidates for Bapiſm, into the Baptiſtery of the Church, and there ehearſed the Creed to them. This was on *Palmunday*, when it was Cuſtomary for the Biſhop imſelf to Catechiſe ſuch of the Catechumens as vere to be Baptized on *Eaſter-Eve*. *Theodorus Lector* [*b*] takes notice of the ſame Cuſtom in the Eaſtern Churches, when he tells us, that before the Time of *Timothy* Biſhop of *Conſtantinople* the *Nicene* Creed was never uſed to be repeated Publickly in that Church, except only once a Year, on the great Day of Preparation, the Day of our Lord's Paſſion, when the Biſhop was wont to Catechiſe. At other times Presbyters and Deacons were the Catechiſts. St. *Chryſoſtom* perform'd this Office when he was Presbyter of *Antioch*, as appears from one of his Homilies [*c*], which is inſcribed, Κατήχησις πρὸς τὺς μέλλοντας φωτίζεσθαι, A Catechiſm or Inſtruction for the Candidates of Baptiſm. *Deogratias* was Catechiſt when he was Deacon of *Carthage*, as we learn from St. *Auſtin*'s Book [*d*] *de Catechizandis Rudibus*, which he wrote at his Requeſt, to give him ſome Aſſiſtance in performing his Duty.

Sect. 2. *Readers ſometimes made Catechiſts.*

Nor was it only the Superior Orders that perform'd this Office, but ſometimes Perſons were choſen out of the Inferior Orders to do it. *Optatus* was but a Reader in the Church of *Carthage*, and yet *Cyprian* made him

[*b*] Theodor. Lector. Collectan. Lib. 2. p. 563. τὸ σύμβολον ἅπαξ τῦ ἔτους λεγόμενον πρότερον ἐν τῇ ἁγίᾳ παρασκευῇ τῦ θείου πάθους, τῷ καιρῷ φησ γινομένων ὑπὸ τῦ ἐπισκόπου κατηχήσεων. [*c*] Chryſ. Hom. 21. ad Popul. Antiochen. [*d*] Aug. de Catechizand. Rudibus. c. 1. T. 4. p. 295. Dixiſti quod ſæpe apud Carthaginem, ubi Diaconus es, ad te adducantur, qui fide Chriſtiana imbuendi ſunt, &c.

Catechiſt, or as it is in his Phraſe [*e*], The *Doctor Audientium*, the Maſter of the Hearers, or lowe Rank of Catechumens. *Origen* ſeems to have ha no higher Degree in the Church, when he wa firſt made Catechiſt at *Alexandria*. For both *Euſebi* [*f*] and St. *Jerom* [*g*] ſay, He was but Eighte Years Old when he was deputed to that Office which was at leaſt Seven Years before he could b Ordain'd Deacon by the Canons of the Church.

Sect. 3. *Why called* ναυτολόγοι *by ſome* Greek *Writers.*

The Author under the Nam of *Clemens Romanus* ſeems to hav had regard to this, when com paring the Church to a Ship, an the Clergy to the Officers in i he plainly diſtinguiſhes the Catechiſts from th Biſhop, Presbyters, and Deacons, ſaying, Th Biſhop [*h*] is to reſemble the πρωρεὺς, or Pilot; Th Presbyters the ναῦται, or Mariners; The Deacon the τοίχαρχοι, or chief Rowers; The Catechiſts th ναυτολόγοι, or thoſe whoſe Office it was to ad mit Paſſengers into the Ship, and contract wit them for the Fare of their Paſſage. This wa properly the Catechiſt's Duty, to ſhew the Ca techumens the Contract they were to make, an the Conditions they were to perform, *viz.* Re pentance, Faith, and New Obedience, in order t their Admittance into the Chriſtian Ship, th Church, in which they were to paſs through th World to the Kingdom of Heaven. Upon thi Account the Catechiſts were termed ναυτολόγοι, an as ſuch diſtinguiſhed from Biſhops, Presbyters, an Deacon

[*e*] Cypr. Ep. 24. al. 29. Optatum inter Lectores Doctore Audientium conſtituimus. [*f*] Euſeb. Lib. 6. c. 3. [*g*] Hi ron. de Scriptor. in Origene. Decimo octavo ætatis ſuæ an κατηχήσεων opus aggreſſus, &c. [*h*] Clemen. Ep. ad Jacob. n.

Deacons. *Cotelerius* [*i*] ſays he found a *Greek* Manuſcript in one of the *French* King's Libraries, where the ſame Compariſon is made, and cited out of the Conſtitutions, in theſe Words: The Church is like a Ship; Chriſt is the Governor; The Biſhop the Pilot; The Presbyters the Mariners; The Deacons the chief Rowers; The Catechiſts, or *Nautologi*, the Orders of Subdeacons and Readers. So that 'tis evident the Catechiſts were ſometimes choſen out of the Inferior Orders, when any of them were found duly qualified to diſcharge the Duties of that Function. And this will be the leſs wonder'd at by any one that conſiders, that the Deaconeſſes, whilſt their Order was in being, were required to be a ſort of Private Catechiſts to the more Ignorant and Ruſtick Women-Catechumens: Which I need not ſtand to evince here, becauſe I have done it heretofore in ſpeaking of the Offices which belonged to that Order. See Book 2. Chap. 22. Sect. 9.

Sect. 4. *Whether all Catechiſts taught publickly in the Church?*

But in all theſe Caſes there is one thing to be diligently Noted, That this ſort of Catechiſts were not allowed to inſtruct their Catechumens publickly in the Church, but only in Private Auditories appointed particularly for that Purpoſe. *Valeſius* [*k*] obſerves this in the Caſe of *Origen*, and rightly concludes it from the Invective of *Demetrius* Biſhop of *Alexandria* againſt *Alexander* Biſhop of *Jeruſalem*, and *Theoctiſtus* Biſhop of *Cæſarea*,

[*i*] Coteler. Not. in Conſtit. Apoſt. Lib. 2. c. 57. p. 263. ...κεν ἡ ἐκκλησία νηΐ. ὁ μὲν κυβερνήτης ἐστὶν ὁ χριστός. ὁ δὲ πρωρεὺς, ...σκοπος. οἱ ναῦται, οἱ πρεσβύτεροι. οἱ τοίχαρχοι, οἱ διάκονοι. ...ναυτολόχοι, τὸ τῆς ἀναγνωστῶν καὶ ὑπηρετῶν τάγμα. [*k*] Valeſ. Not. in Euſeb. Lib. 6. c. 19. It. Hallier. de Hierarch. Eccleſ. Lib. 1. c. 7. p. 66.

who had authoris'd *Origen* to Preach publickly in the Church, when as yet he was no Presbyter. This Accuſation had been Ridiculous, had he himſelf given *Origen* the ſame Power before, when he was Catechiſt at Eighteen Years of Age at *Alexandria*. *Ruffin* indeed in his Tranſlation of *Euſebius* ſays poſitively that *Demetrius* gave him Authority to Catechiſe and Teach publickly in the Church [*l*]. But that is an Interpolation and falſe Paraphraſe of *Euſebius* his Words, who ſays no ſuch thing, but only [*m*] that *Demetrius* Biſhop of the Church had committed to his care the Office of Catechizing, or as we may render it, the Catechetick School, where probably for ſome Time he alſo taught *Grammar* and other human Learning. That there were ſuch ſort of Catechetick Schools adjoyning to the Church in many Places, is evident from a Novel [*n*] of the Emperour *Leo*, who calls them κατηχήμενα, and ſays they were a ſort of Buildings belonging to the Church. It might be the Baptiſtery, as St. *Ambroſe* calls it, or any other Places ſet apart for that Purpoſe.

Sect. 5. *Of the Succeſſion in the Catechetick School at* Alexandria

Such a School as this we may ſuppoſe That to have been, wherein *Origen* and ſo many other famous Men read Catechetick Lectures at *Alexandria*. *Euſebius* ſays *Pantænus* taught [*o*] in this School, *An.* 181. and that it

[*l*] Ruffin. Lib. 6. c. 3. Demetrius——Catechizandi ei, id eſt, docendi Magiſterium in Eccleſia tribuit. [*m*] Euſeb. Lib. 6. c. 3. αὐτῷ μόνῳ τὸ τὰ κατηχεῖν διατριβὴς ὑπὸ Δημητρίε τῦ τῆς ἐκκλησίας προεστῶτος ἐπιτελεμένης. [*n*] Leo Novel. 73. In Eccleſiarum Cœnaculis, quæ promiſcuum vulgus κατηχήμενα vocare ſolet. Vid. Concil. Trull. c. 97. & Balſamon. & Zonar. in Loc. [*o*] Euſeb. Lib. 5. c. 10. ἠγεῖτο τηνικαῦτα τὸ τῆς πίστως αὐτόθι διατριβῆς Πάνταινος· ἐξ ἀρχαίε ἔθους διδασκαλεῖόν τῆς ἱερῶν λόγων παρ' αὐτοῖς συνεστῶτος· ὁ καὶ εἰς ἡμᾶς διατείνεται.

was a School of ſacred Learning from ancient Cuſtom long before, and that it continued ſo to e to his own Time. St. *Jerom* deduces its Original from St. *Mark* the firſt Founder of the Church f *Alexandria*, telling us, that *Pantænus* [*p*] taught Chriſtian Philoſophy at *Alexandria*, where it had een the Cuſtom of old always to have Eccleſiaſtial Doctors from the Time of St. *Mark*. Where by Eccleſiaſtical Doctors he does not mean the Biſhop nd Presbyters of the Church (which were originally in all Churches as well as *Alexandria*) but the Doctors of Chriſtian Philoſophy in the Catechetick chool, whereof there had been a Succeſſion from he firſt Foundation of the Church. And the Succeſſion was continued for ſome Ages after: For *Clemens* [*q*] *Alexandrinus* ſucceeded *Pantænus*; and *Origen* [*r*], *Clemens*; *Heraclas* [*s*], *Origen*; and *Dionyſius*, [*t*] *Heraclas*. After whom ſome [*u*] add *Atheodorus*, *Malchion*, *Athanaſius* and *Didymus*. And the Author of the *Greek Synodicon* publiſhed by *Pappus*, ſays [*w*], *Arius* taught in the ſame School before he broach'd his Hereſy. It were eaſie to recount many other ſuch Schools at *Rome*, *Cæſarea*, *Antioch*, *&c.* but I ſhall have another Occaſion to ſpeak of theſe, when I come to conſider the Encouragement that Chriſtian Emperours gave to Schools of Learning and the Profeſſors of Liberal Arts and Sciences: What has here been ſuggeſted upon this Head, may ſuffice at preſent to ſhew what was the Office of the Catechiſt, and what the Uſe of Catechetical Schools in the Church.

[*p*] Hieron. de Scriptor. c. 36. Pantænus Stoicæ ſectæ Philoſophus, juxta quandam Veterum in Alexandria conſuetudinem, ubi à Marco Evangeliſta ſemper Eccleſiaſtici fuere Doctores---- Docuit ſub Severo Principe, &c. [*q*] Euſeb. Lib. 6. c. 6. [*r*] Id. Lib. 6. c. 19. [*s*] Hieron. de Scriptor. in Origene. Euſeb. Lib. 6. c. 26. [*t*] Euſeb. Lib. 6. c. 29. [*u*] Hoſpin. de Templis Lib. 3. c. 5. [*w*] Synodicon Concil. Tom. 2. p. 1494.

CHAP. XI.

Of the Eccleſiecdici *and* Defenſores, *or Syndicks of the Church.*

Sect. 1. *Five Sorts of* Defenſores *noted, two whereof only belonged to the Church.*

ANother Office which will deſerve to be ſpoken of in this Place, becauſe it was ſometimes, though not always, managed by the Hands of the Clergy, is that of the *Defenſores*. For the underſtanding of which it will be neceſſary in the firſt Place to diſtinguiſh between the Civil and Eccleſiaſtical Defenſors. For *Gothofred* thinks there were in all four ſorts of them, *viz.* The *Defenſores Senatus*, *Defenſores Urbium*, *Defenſores Eccleſiarum*, and *Defenſores Pauperum*. But he might have added one more, which [*a*] *Ulpian* calls *Defenſores Rerum Publicarum*, whoſe Office was to be a ſort of Proctors or Syndicks in managing of the Publick Cauſes of that Corporation or Company of Tradeſmen to which they belonged: Which ſort of Defenſors were firſt Inſtituted by *Alexander Severus*, as *Lampridius* [*b*] tells us in his Life. The *Defenſores Civitatum*, or as they are otherwiſe called, *Defenſores Plebis*, were a ſort of Tribunes of the People; one of their chief Offices being to defend the poor Plebeians againſt the Inſults and Oppreſſions of the great and wealthy Citizens. Now in Imitation of theſe, I preſume, the Eccleſiaſtical Defenſors were Inſtituted, as both their Name and Office ſeems plainly to imply.

The

[*a*] Digeſt. Lib. 49. Tit. 4. Leg. 1. [*b*] Lamprid. vit. Alexand. Corpora omnium conſtituit, Vinariorum, Lupinariorum, Caligariorum, & omnino omnium artium: hiſque ex ſeſe Defenſores de

Sect. 2. *Of the* Defensores Pauperum.

The Defensors of the Poor had much the same Employment in the Church, as the *Defensores Plebis* had in the State: For if any of the Poor, or Virgins, or Widows belonging to the Church, were injured or oppressed by the Rich, it was the Business of these Defensors, as their Proctors or Advocates, to see them righted, and to sollicit the Magistrate that they might have Justice done them. This is evident from the Decree made in the 5th Council of *Carthage*, *An.* 401. which is also inserted in the *African* Code, and is to this Purpose: That [c] forasmuch as the Church was incessantly wearied with the Complaints and Afflictions of the Poor, it was unanimously agreed upon by them in Council, that the Emperours should be Petitioned to allow Defensors to be chosen for them by the Procurement and Approbation of the Bishops, that they might defend them from the Power and Tyranny of the Rich.

Sect. 3. *Of the* Defensores Ecclesiæ, *their Office and Function.*

As to the other sort of Defensors called, *Defensores Ecclesiæ* (whom I speak of separately, because *Gothofred* makes a Distinction between them, though others take them to be the same) their Office did as plainly resemble that of the other sort of Civil Defensors called, *Defensores Rerum Publicarum*. For as those were the Proctors and Syndicks of their respective Companies, to manage the publick Concerns of those Societies at Law upon all emergent Occasions: So

[c] Conc. Carth. 5. c. 9. Ab Imperatoribus universis visum est postulandum, propter afflictionem pauperum, quorum molestiis sine intermissione fatigatur Ecclesia, ut Defensores eis, adversus potentias divitum, cum Episcoporum provisione delegentur. Vid. Cod. Eccles. Afr. Can. 75.

So theſe did the ſame for the Church, whoſe Syndicks they were, being employ'd to ſollicit the Cauſe of the Church, or any ſingle Eccleſiaſtick, when they were injur'd or oppreſs'd, and had Occaſion for Redreſs in a Civil Court; or if they were not remedied there, they were to addreſs the Emperours themſelves in the Name of the Church, to procure a particular Precept in her Favour. Thus *Poſſidius* [*d*] tells us in the Life of St. *Auſtin*, That when the *Circumcellions* in their mad Zeal had plunder'd and ſlain ſome of the Catholick Clergy, the Defenſor of the Church proſecuted them at Law for the Fact, that the Peace of the Church might no more be diſturbed or impeded. In like Manner we read in the 1ſt Council [*e*] of *Carthage*, that it being a thing againſt the Imperial Laws for any Layman to impoſe a Secular Office upon a Clergyman; if any ſuch Injury was offer'd to the Church, 'tis ſaid, the Affront might be redreſſed, if the Defenſors of the Church did not fail in their Duty. Which plainly implies, that it was the Buſineſs of the Defenſors to ſee the Rights of the Church, that were ſettled upon her by Law, truly maintain'd; and if any Encroachments were made upon them, they were to proſecute the Agreſſors and Invaders before the Magiſtrates, and execute the Sentence which they gave in Favour of the Church. It is farther obſervable from a Law of *Arcadius* and *Honorius*, recited in the next Paragraph, that in caſe of Neceſſity they were likewiſe to

[*d*] Poſſid. Vit. Aug. c. 12. De qua re, ne pacis Eccleſiæ amplius impediretur profectus, Defenſor Eccleſiæ inter Leges non ſiluit, &c. [*e*] Conc. Carthag. 1. c. 9. Ipſis non liceat Clericos noſtros eligere Apothecarios vel Ratiocinatores—— Quod ſi injuria Conſtitutionis Imperatoriæ Clericos inquietandos putaverint, ſi Defenſio Eccleſiaſtica nos non deridet, pudor publicus, vindicabitur.

to make Application to the Emperours, and bring their Mandate to the Inferior Judges, when they could not otherwiſe have Juſtice done them. By a Canon of the Council of *Chalcedon* Defenſors are alſo impower'd to admoniſh ſuch Idle Monks and Clerks as reſorted to the Royal City *Conſtantinople* without any Licence or Commiſſion from their Biſhop; and if after Admonition they continued ſtill to loiter there, the ſame Defenſors were to expell them [*f*] thence by Force, and cauſe them to return to their own Habitation. It appears alſo from *Juſtinian*'s Laws [*g*], that the Defenſors, together with the *Oeconomi*, were made a ſort of Superintendents over the *Copiatæ*, or great Body of Deans, whoſe Buſineſs was to attend at Funerals, as has been ſhewed before: The Defenſors were charged with the Care of theſe, both in reference to their Revenues and Perſons. They were likewiſe to make Enquiry, whether every Clerk belonging to the Church carefully attended the Celebration of Morning and Evening Service in the Church, and to inform the Biſhop of ſuch as neglected, that they might be proceeded againſt [*h*] with Eccleſiaſtical Cenſures. Theſe were the chief, if not the only Offices of the Defenſors in the Primitive Church: For as to any Spiritual Power or Juriſdiction over the Clergy, they had none; nor were they as yet admitted to hear Criminal Cauſes, great or little, in the Biſhop's Name; but theſe things were devolved upon them in later Ages, as *Morinus* [*i*] ſhews at large in a long Diſſertation upon this Subject, to which I refer

[*f*] Conc. Chalced. c. 23. ἄκοντας αὐτὸς διὰ τῆ αὐτῆ Ἐκδίκε ἐκβάλλεσθει, κὴ τὸς ἰδίως καταλαμβάνειν τόπως [*g*] Juſtin. Novel. 59. [*h*] Cod. Juſtin. Lib. 1. Tit. 3. de Epiſc. Leg. 42. n. 10. [*i*] Morin. de Ordinat. Eccleſ. Par. 3. Exercit. 16. c. 7.

refer the inquiſitive Reader, contenting my ſelf to give ſuch an Account of the Defenſor's Office and Power, as I find it to have been in the Ages next after their Inſtitution.

Sect. 4. *Of their Quality. Whether they were Clergy-Men or Lay-Men.*

The next Enquiry muſt be into their Quality, Whether they were of the Clergy or Laity? For Learned Men are not agreed about this. *Petavius* [*k*] ſays they were always Lay-men. But *Morinus* [*l*] and *Gothofred* [*m*] with much better Reaſon aſſert the contrary, that at firſt they were generally choſen out of the Clergy, till for ſome particular Reaſons it was thought moſt proper to have Advocates at Law to diſcharge this Office in the *African* Churches. This Change was made about the Year 407, when the *African* Fathers in the Council of *Carthage* [*n*] petition'd the Emperor *Honorius*, that he would give them leave to chooſe their Defenſors out of the Scholaſtici, or Advocates at Law, who were actually concerned in Pleading of Cauſes; that ſo they who took upon them the Defence of the Churches, might have the ſame Liberty as the Provincial Prieſts were uſed to have, to go upon neceſſary occaſion into the Judges Conſiſtory, or Council-Chamber, behind the Veil, and there Suggeſt

[*k*] Petav. Not. in Epiphan. Hær. 72. n. 10. [*l*] Morin. ibid. Exerc. 16. c. 6. n. 16. [*m*] Gothofred. Not. in Cod. Theod. Lib. 16. Tit. 2. de Epiſc. Leg. 38. [*n*] Concil. African. vulgo dictum. Can. 64. Placuit ut petant Legati à Glorioſiſſimis Imperatoribus, ut dent facultatem Defenſores conſtituendi Scholaſticos, qui in actu ſunt, vel in munere Defenſionis Cauſarum, ut more ſacerdotum Provinciæ, iidem ipſi qui Defenſionem Eccleſiarum ſuſceperint, habeant facultatem pro negotiis Eccleſiarum, quoties neceſſitas flagitaverit, vel ad obſiſtendum obrepentibus, vel ad neceſſaria ſuggerenda, ingredi Judicum Secretaria. Vid. Cod. Can. Afr. Gr. Lat. c. 97. & Concil. Milevitan. c. 16. *to the ſame purpoſe.*

geſt what they thought neceſſary to promote their own Cauſe, or obviate the Plots of their Adverſaries. In anſwer to this Petition *Honorius* ſhortly after publiſh'd a Law, wherein he granted them Liberty to make uſe of ſuch Advocates for their Defenſors as they deſired: For he Decreed [o], That whatever Privileges were ſpecially obtain'd of the Emperour, relating to the Church, ſhould be intimated to the Judges, and executed *non per Coronatos*, not by Clergy-men, as *Gothofred* rightly explains it, but by Advocates at Law. So that now it was no longer neceſſary that the Defenſors ſhould be of the Clergy, but the Office was frequently entruſted in the hands of Lay-men. Which is farther evident from an Epiſtle of Pope *Zoſimus*, who lived about the ſame time: For he ſays [p], The Defenſors of the Church were choſen out of the Laity, and might afterward, if they were deſerving, be Ordain'd among the Clergy. Yet after this we find the Defenſors in ſome places continued ſtill to be of the Clergy. For *Morinus* ſhews that in the 1ſt Seſſion of the Council of *Chalcedon* there is frequent mention made of one *John* a Presbyter and [q] Defenſor; As alſo in many Epiſtles of *Gregory* the Great the Defenſors of the *Roman* Church are ſaid to be of the Clergy: To which I ſhall add a Fragment of *Theodorus Lector* taken out of *Damaſcen* [r], which ſpeaks of one *John* as both Deacon

[o] Cod. Th. Lib. 16. Tit. 2. de Epiſc. Leg. 38. Ut quæcunque de nobis ad Eccleſiam tantum pertinentia, ſpecialiter fuerint impetrata, non per Coronatos, ſed ab Advocatis, eorum arbitratu, & Judicibus, Innoteſcant, & ſortiantur Effectum, &c. [p] Zoſim. Ep. 1. c. 3. Defenſores Eccleſiæ, qui ex Laicis fiunt, ſupradicta obſervatione teneantur, ſi meruerint eſſe in Ordine Clericatûs. [q] Concil. Chalced. Act. 1. [r] Vid. Damaſcen. Orat. 3. de Imagin. p. 799. & Fragment. Theodor. Lector. edit. à Valeſ. p. 583. Ἰωάννης διάκονος καὶ ἔκδικος τῆς ἁγίας οἴκου Στεφάνου, &c.

Deacon and Defenſor of the Church of St. *Stephen* at *Conſtantinople* in the Time of *Anaſtaſius* the Emperour, which was in the beginning of the 6th Century. From all which it is very evident againſt *Petavius*, that the Defenſors were ſometimes choſen out of the Clergy, and not always made of Advocates or Lay-men.

Sect. 5. *The* Ἔκδικοι *and* Ἐκκλησιέκδικοι *among the* Greeks *the ſame with the Defenſors of the* Latin *Church.*

I muſt not omit to acquaint the Reader, that what the *Latins* call *Defenſors*, the *Greek* Church commonly calls Ἔκδικοι and Ἐκκλησιέκδικοι, which ſignify the ſame as Defenſors; though *Gothofred* [*s*] without any juſt Reaſon makes a Difference between them: For not only their Offices and Powers are deſcribed to be the ſame, but alſo whenever the *Greeks* have any Occaſion to ſpeak of the *Latin* Defenſors, they give them the Name of Ἔκδικοι, as may be ſeen either in the *Code* of the *African* [*t*] Church publiſh'd by *Juſtellus*, or that which the *Greeks* commonly call the Council of *Carthage*, publiſh'd by *Ehinger* [*u*], and Dr. *Beverege* [*x*] in the *Pandects*. But whether Πεϱσάτης be another Greek Name for a Defenſor, is not ſo certain. The Word is only found once uſed by *Epiphanius* [*y*], who ſpeaking of one *Cyriacus*, ſtiles him Κυειακὸς πεϱσάτης, which *Petavius* renders, *Cyriacus* Defenſor. He ſeems indeed to have had ſome Office in the Church, becauſe he is joyned in the Subſcription of a Letter with the Clergy, Presbyters, Deacons, Subdeacons, and Readers: But whether that be a ſufficient Reaſon to make him

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[*s*] Gothofred. Not. in Cod. Th. Lib. 16. Tit. 2. Leg. 38. [*t*] Cod. Can. Eccleſ. Afr. c. 75, & 97. [*u*] Concil. Carthag. Gr. ap. Ehinger. c. 76, & 99. [*x*] Conc. Carth. ap. Bevereg. c. 78, & 100. [*y*] Epiph. Hær. 72. Marcel. n. 10.

a Defensor, I must leave the judicious Reader to determine.

Sect. 6. *Chancellors and Defensors not the same in the primitive Church.*

There is one thing more must be resolved before I dismiss this Subject; that is, Whether Chancellors and Defensors were the same in the primitive Church? In answer to which, I say, it is very plain they were not; because the first time we find any Mention of the Office of Chancellors in the Church, they are expresly distinguished from the Ἔκδικοι or Defensors; And that is in the Novel of *Heraclius* made in the Beginning of the 7th Century, where determining the Number of Ecclesiastical Officers that were to be allowed in the great Church of *Constantinople*, he says there should be Two Syncelli, Twelve Chancellors [z], Ten Defensors, Twelve Referendaries, Forty Notaries and Twelve Sceuophylaces, whereof Four to be Presbyters, Six Deacons and Two Readers. It is not very easy to determine what the Office of these Chancellors was at that Time; but it is very evident however from this that they were not the same with the Defensors. They who are acquainted with the Civil Law, know that the *Cancellarij* in the Civil Courts were not Judges, but Officers attending the Judge in an inferior Station: Which appears evidently from a Title in both the *Theodosian* and *Justinian* [a] *Code*, *De Adsessoribus & Domesticis & Cancellariis Judicum*. *Hottoman* & *Accursius* take them for *Actuaries* or *Notaries*; but *Gothofred* in his learned Notes [b] upon the *Theodosian Code*, proves at large out of *Cassiodore* and *Agathias*,

[z] Heracl. Novel. 2. ap. Leunclav. Jus Gr. Rom. Tom. 1. p. 79. Καγκελαρίους ὃ εἰς 16. ἐκδίκους εἰς 1. [a] Cod. Th. Lib. 1. Tit. 12. Cod. Justin. Lib. 1. Tit. 51. [b] Gothofred. Com. in Cod. Th. Lib. 1. Tit. 12. de Adsessorib. Leg. 3.

Agathias, that they were the *Cuſtodes Secretarij*, the Guards of the Judge's Conſiſtory, and called *Cancellarij* becauſe they ſtood *ad Cancellos*, at the Rails or Barriers which ſeparated the *Secretum* from the reſt of the Court. So that their Office then was not to ſit as Judges or Aſſeſſors, but only to attend the Judges, and keep Peace and good Order under him. And if this was the Condition of the *Cancellarij* in the State, it is probable they had ſome ſuch Office in the Church in the Time of *Heraclius*, who firſt mentions them; but what that Office was I am not able to determine any farther, ſave only that it was not the ſame with that of the Defenſors of the Church.

Sect. 7. *Whether the Defenſor's Office was the ſame with that of our modern Chancellors?*

It may be asked then, Whether the Office of our modern Chancellors has any Relation or Reſemblance to that of Defenſors in the ancient Church? There are ſome learned Men who make them altogether the ſame. Biſhop *Beverege* derives the Authority of them both from the ſame Fountain: For he ſays [c] the Defenſors heard and determined Cauſes in the Biſhop's Name; and thoſe not only that related to the Poor, who ſought the Patronage of the Church; but alſo when Presbyters and Deacons had any Controverſy with any other, whether of the Clergy or Laity, they might bring their Action before the προτέκδικος or Defenſor. Whence he concludes, that Chancellors of later Ages are the very ſame Eccleſiaſtical Officials, as the Defenſors of the primitive Church. It were to be wiſhed that That learned Perſon had given us ancient Records for that Power which he aſcribes to the old Defenſors:

[c] Bevereg. Not. in Can. 23. Concil. Chalced.

Defensors: For then they would have looked more like Chancellors under another Name: But indeed the Authorities he alledges are all modern, such as *Papias*'s *Glossary*, and *Balsamon*'s *Meditata*, and the Catalogues of Officials in the Church of *Constantinople*, which were written several Ages after the first Institution of Defensors, and in times when the *Protecticus* among the *Greeks* was become an Officer of great Authority and Power. So that tho' the Power of Chancellors might be much the same as that of the *Exsinoi* among the modern *Greeks*; yet that it was altogether the same with the ancient Defensors, seems not hitherto to be solidly proved; since the Business of the ancient Defensors was not to do the Office of Judges, but of Advocates at Law, to defend the Rights of the Poor, and the Liberties of the Church against all Aggressors and Invaders. But if any can shew from ancient Records, that the Defensors had a larger Power, he will very much oblige the World with such a Discovery: In the mean time the Reader will pardon me for not ascribing to them greater Powers than I had Authority to do. The Matter is curious, and may exercise the Pens of learned Men, and be the Subject of farther Disquisition and Enquiry.

CHAP. XII.

Of the Oeconomi.

Sect. 1. *The* Oeconomi *inſtituted in the 4th Century. The Reaſons of their Inſtitution.*

IN the writings of the 4th and 5th Centuries we frequently meet with an Officer in the Church, ſtiled by the *Greeks* [a] οἰκονόμος, and by the *Latins* [b] *Oeconomus*, or *Præpoſitus Domus*, as it is in St. *Auſtin* [c]. His Office was to manage the Revenues of the whole Dioceſe under the Inſpection of the Biſhop. For anciently, as I have ſhew'd elſewhere [*], the whole Revenue of the Church was entruſted in the Hands of the Biſhop, to be divided among the Clergy and Poor of the Church by his Direction and Appointment: And in managing this Affair he commonly made Uſe of his Arch-deacon, as a proper Aſſiſtant to eaſe himſelf of the great Burthen and Incumbrance of it. But upon the general Converſion of Heathens, and the conſequent Augmentation of every Dioceſe and Church-Revenues, both the Biſhop and his Arch-deacon had Buſineſs enough of another Nature to take up the greateſt Part of their Time: And then it was found neceſſary to inſtitute Officers on purpoſe, and ſet them over this Affair, under the Name of *Oeconomi*, or Stewards of the Church. *Morinus* [d] thinks they were inſtituted to avoid Suſpicion; and in ſome Churches there is no queſtion but it was ſo: For in the remaining Fragments of the Council

[a] Vid. Conc. Chalced. c. 2. 25, 26. [b] Liberat. Breviar. c. 16. [c] Poſſid. Vit. Aug. c. 24. [*] *Book.* 2. *Chap.* 4. *Sect.* 6. [d] Morin. de Ordinat. Eccl. Par. 3. Exerc. 16. c. 5. n. 3.

Council of *Tyre*, *An.* 448. which are inſerted into the Acts of the Council of *Chalcedon* [e], we find that *Ibas* Biſhop of *Edeſſa* being accuſed by ſome of his Clergy for embezelling the Revenues of the Church, is oblig'd to promiſe, that for the future the Revenues ſhould be managed by *Oeconomi*, or Stewards, choſen out of the Clergy, after the Manner of the great Church of *Antioch*. And it is not improbable, but the like Accuſation being brought againſt *Dioſcorus* Biſhop of *Alexandria* in the Council of *Chalcedon*, was the Reaſon that moved that Council to make a general Decree in this Matter, that foraſmuch as they were informed, that in ſome Churches the Biſhops alone adminiſtred the Eccleſiaſtical Revenues without any Stewards, they now ordain'd, that every Church having a Biſhop, ſhould alſo have [f] a Steward of her own Clergy, to manage the Revenues of the Church by the Direction of the Biſhop: That ſo there might be Witneſſes of the right Adminiſtration of them; and by that means neither the Churches Goods be embezelled, nor any Scandal or Reproach brought upon the Prieſthood. But then I cannot think this was the Caſe of all Churches. For theſe Canons were made plainly againſt ſuch Biſhops as manag'd the Revenues of the Church, ἀμάρτυροι, as the Canon words it, without either Arch-deacon or *Oeconomus* to atteſt the Fidelity of their Management: But in ſuch Churches where Biſhops took the Aſſiſtance of their Arch-deacon, this could not be the Reaſon for ſetting up the Office of the *Oeconomus*, becauſe Suſ-

[e] Concil. Chalced. Act. 9. [f] Conc. Chalced. c. 26. ἔδοξεν πᾶσαν ἐκκλησίαν ἐπίσκοπον ἔχουσαν, καὶ οἰκονόμον ἔχειν ἐκ τῶ ἰδίω κλήρω —— ὥστε μὴ ἀμάρτυρον εἶναι τὴν οἰκονομίαν τῆς ἐκκλησίας, &c.

picion of Miſmanagement was provided againſt as well by the Teſtimony of an Arch-deacon, as any other Officer that could be appointed. And therefore I have aſſigned a more general, and as I take it, a truer Reaſon for the Inſtitution of this Office in the Church.

Sect. 2. *Always to be choſen out of the Clergy.*

And that which farther confirms my Opinion, is, That the *Oeconomi*, as well as the Arch-deacons, were always to be choſen out of the Clergy. For ſo thoſe Canons of the Councils of *Tyre* and *Chalcedon* already cited, plainly direct. And for any thing that appears to the contrary, this was the conſtant Practice of the Church. We find in the Acts of the Council of *Epheſus* [*g*], which are inſerted alſo into the Council of *Chalcedon*, one *Chariſius* ſtiled both Presbyter and *Oeconomus* of the Church of *Philadelphia*. And *Liberatus* [*h*] ſpeaks of one *John*, who was *Oeconomus* of *Alexandria*, and Presbyter of *Tabenneſus*, a Region belonging to *Alexandria*. *Poſſidius* tells us in the Life of St. *Auſtin* [*i*], that he always made one of his Clergy the *Præpoſitus Domus*, as he calls him, whoſe Office was to take Care of the Church Revenues, and give an Account of what he received and expended, when it was demanded of him. And to the ſame purpoſe *Socrates* [*k*] ſays of *Theophilus*

[*g*] Conc. Epheſ. in Act. 1. Conc. Chalced. T. 4. p. 292. Chariſius Presbyter & Oeconomus Philadelphiæ. [*h*] Liberat. Breviar. c. 16. Johannes ex Oeconomo factus Presbyter Tabenneſiotes---Factuſque eſt iterum Oeconomus, habens Cauſas omnium Eccleſiarum. [*i*] Poſſid. Vit. Aug. c. 24. Domus Eccleſiæ curam, omnemque ſubſtantiam ad vices valentioribus Clericis delegabat & credebat: Nunquam clavem, nunquam annulum in manu habens, ſed ab eiſdem Domus Præpoſitis cuncta & accepta & erogata notabantur. [*k*] Socrat. Lib. 6. c. 7. τὴν οἰκονομίαν ἐκκλησίας αὐτοῖς ἐνεχείρισεν.

Theophilus Biſhop of *Alexandria*, that having advanced two Monks to the Honour of the Clergy, he made them the *Oeconomi* of the Church. So that it was both the Rule and Practice of the Church to take the *Oeconomi* out of ſome of the Clergy, and we never meet with any Inſtance or Order to the contrary. Which argues plainly, that the true Reaſon for devolving this Office upon them, which formerly belonged to the Arch-deacons, was no other than that becauſe of a Multiplicity of Buſieſs the Arch-deacons now could not ſo well attend it.

Sect. 3.
Their Office to take care of the Revenues of the Church, eſpecially in the Vacancy of the Biſhoprick.

What the Office it ſelf was, appears from what has already been ſaid: To which I ſhall only add one thing: That by the Authority of the Council of *Chalcedon* [*l*] the *Oeconomus* was to continue in his Office during the Vacancy of the Biſhoprick, and to look after the Income of the Church, that it might be preſerved ſafe for the ſucceeding Biſhop. Which Canon ſome not improbably think was deſign'd to prevent Delays in filling up vacant Sees; that no Metropolitan, or Interventor, under whoſe care the vacant Church was, might lie under any Temptation to defer the Election of a new Biſhop, in hopes of enriching himſelf from the Revenues of the Church; but whether this was the Reaſon or not, it certainly argues that theſe Men were generally Perſons of extraordinary Credit and Worth, ſince the Church could ſecurely Repoſe ſo great a Confidence in them.

[*l*] Concil. Chalced. c. 25.

Sect. 4. *The Conſent of the Clergy requir'd in the Choice of them.*

And indeed all imaginable care was taken in their Election, that they ſhould be Perſons of ſuch a Character. To which purpoſe ſome Canons required, that they ſhould be choſen by all the Clergy; as particularly *Theophilus* Biſhop of *Alexandria* [*m*] in his Canonical Epiſtle gives a Direction in that Caſe. Which Proviſion was but reaſonable: For ſince all the Clergy had a common Concern in the Revenues of the Church, which were their Livelihood and Subſiſtence, it was fit the *Oeconomus*, to whoſe care the Revenues were committed, ſhould be choſen by common Conſent, that he might be a Perſon without Exception, and no one have Reaſon to complain, that he was injured or defrauded of his Dividend or Portion.

[*m*] Theophil. Can. 9. ap. Bevereg. Pandect. T. 2. p. 173. γνώμη πάντος ἱερατείε ὀικονόμον ἀποδειχθῆναι, &c.

CHAP. XIII.

A brief Account of ſome other Inferior Officers in the Church.

Sect. 1. *Of the* Παραμυθέιοι, *or* Manſionarij.

BEſide the Officers already mentioned, there were in the 4th and 5th Century ſome few others, whoſe Names are not very commonly met with, and therefore I ſhall but juſt hint the Signification of them, and not ſpend my time in any curious Enquiries about their Offices and Employments. The ſame Canon [*a*] of the

[*a*] Concil. Chalced. c. 2.

the Council of *Chalcedon*, which ſpeaks of the *Oeconomus* and Defenſor, mentions alſo another Officer belonging to the Church, who is ſtiled Παραμονάριος in the Language of that Council. But the Tranſlators and Criticks are not agreed upon the meaning of the Word. The ancient Tranſlation of *Dionyſius Exiguus* renders it *Manſionarius*, and explains that in a Marginal Reading by *Oſtiarius*, or Door-keeper of the Church. And indeed this was the Office of the *Manſionarius* in the *Roman* Church about the time when *Dyonſius Exiguus* lived: For *Gregory* the Great not long after, in one of his Dialogues [*b*] ſpeaking of *Abundius Manſionarius*, gives him alſo the Title of *Cuſtos Eccleſiæ*; and in another Dialogue he makes it the Office of the *Manſionarius* [*c*] to light the Lamps or Candles of the Church. Yet notwithſtanding this the beſt Learned of the Modern Criticks give another Senſe of the Greek Name Παραμονάριος. *Juſtellus* [*d*] explains it by *Villicus*, a Bailiff, or Steward of the Lands. Biſhop *Beverege* [*e*] ſtiles him *Rerum Eccleſiaſticarum Adminiſtrator*, which is the ſame. And their Opinion is confirmed by *Gothofred*, *Cujacius*, *Suicerus*, *Voſſius*, and many others, whoſe Judgment in the Caſe may be ſufficient to decide the Controverſy, till the Reader ſees better Reaſon otherwiſe to determine him.

[*b*] Greg. M. Dial. Lib. 3. c. 25. [*c*] Ib. Dial. Lib. 1. c. 5. Conſtantius Manſionarius omnes Lampades Eccleſiæ implevit aqua, &c. [*d*] Juſtel. Bibliothec. Jur. Canon. T. 1. p. 91. [*e*] Bevereg. Not. in Conc. Chalced. c. 2.

Sect. 2. *Of the* Custodes Ecclesiarum, *and* Custodes Locorum sanctorum. *And how those differed from each other.*

The Civil Law takes Notice of another sort of Officers, who are called *Custodes Ecclesiarum*, and *Custodes Locorum Sanctorum*: Which though some Writers confound together, yet *Gothofred* makes a Distinction between them. The *Custodes Ecclesiarum* were either the same with the *Ostiarij*, or Order of Door-keepers; or else with those called *Seniores Ecclesiæ*, which as I have shewed [*] in another Place, were much of the same Nature with our Church-Wardens and Vestrymen. But the *Custodes Locorum sanctorum* were the Keepers of those particular Places in *Palestine*, which, if *Gothofred* judge right, had more peculiarly the Title of *Loca sancta*, Holy Places, because they were a sort of Memorials of our Saviour; such as *Bethlehem*, the Place of his Nativity; and Mount *Golgotha*, the Place of his Crucifixion; and his Grave or Monument, which was the Place of his Resurrection; and Mount *Olivet*, the Place of his Ascension. These Places were frequently visited by Christians in those Ages, as appears from *Eusebius*, *Gregory Nyssen*, St. *Jerom* and several others, whom the Reader, that is curious in this Matter, may find quoted by *Gothofred* [*f*], who maintains, that upon that very Account those places had a sort of Guardians or Keepers assign'd them, under the Title of *Custodes Locorum Sanctorum*. But however this matter be, it is certain they had such an Employment in the Church, as in the Eye of the Law was reputed a Religious Service; and accordingly they were

[*] *Book* 2. *Chap.* 19. *Sect.* 19. [*f*] Gothofred. Not. in Cod. Th. Lib. 16. Tit. 2. Leg. 26.

were entituled to the ſame Privilege [g] as the Eccleſiaſticks had, to be exempt from Perſonal Tribute, in regard to this their Employment: As appears from a Law of *Theodoſius* the Great, by whom this Immunity was granted them.

Sect. 3. Of *the* Sceuophylaces, *or* Ceimeliarchæ.

Next to theſe, for the Similitude of the Name and Office, I mention the *Sceuophylaces*, or, as they were otherwiſe called, Κειμηλίων φύλακες, Keepers of the Κειμήλια, that is, The Sacred Veſſels, Utenſils, and ſuch precious Things as were laid up in the Sacred Repoſitory of the Church. This was commonly ſome Presbyter: For *Theodorus Lector* [h] ſays, *Macedonius* was both Presbyter and *Sceuophylax* of the Church of *Conſtantinople*; and *Sozomen* [i] before him ſpeaking of the famous *Theodore* Presbyter of *Antioch*, who ſuffered Martyrdom in the Days of *Julian*, ſtiles him φύλακα τῶν κειμηλίων, Keeper of the ſacred Utenſils; and ſays, he was put to Death becauſe he would not deliver up what he had under his Cuſtody to the Perſecutors. It will not be improper to give this Officer alſo the Name of *Chartophylax & Cuſtos Archivorum*, becauſe the Rolls and Archives are reckon'd part of the ſacred Repoſitory of the Church. Whence *Suicerus* [k] obſerves, that in *Photius* the Names *Sceuophylax* and *Chartophylax* are given to the ſame Perſon. But I muſt Note, that the Modern *Greeks* have a little changed this Office, and added Powers to it, which

[g] Cod. Th. Lib. 16. Tit. 2. de Epiſ. Leg. 26. Univerſos quos conſtiterit Cuſtodes Eccleſiarum eſſe, vel Sanctorum Locorum, ac Religioſis Obſequiis deſervire, nullius adtentationis moleſtiam ſuſtinere decernimus. Quis enim eos Capite cenſos patiatur eſſe devinctos, quos neceſſario intelligit ſupra memorato obſequio mancipatos? [h] Theodor. Lector. Lib. 2. [i] Sozem. Lib. 5. c. 8. [k] Suicer. Theſaur. Tom. 2. p. 971.

which did not belong to it in the Primitive Church. For now, as *Balſamon* [*l*] informs us, the *Chartophylax* acts as the Patriarch's Subſtitute, Excommunicating, Cenſuring, and Licenſing the Ordinations of Presbyters and Deacons, and ſits as Supreme Eccleſiaſtical Judge under the Patriarch in many other Caſes relating to the Church; which are things we do not find belonging to the Office of a *Sceuophylax* in the Primitive Ages.

Sect. 4. *Of the* Hermenevtæ, *or Interpreters.*

Epiphanius takes Notice of another ſort of Officers in the Church, to whom he gives the Name [*m*] of Ἑρμηνευταὶ, Interpreters, and ſays their Office was to render one Language into another, as there was occaſion, both in reading the Scriptures, and in the Homilies that were made to the People. That there was ſuch an Office in the Church appears farther from the Paſſion of *Procopius* the Martyr, pubiſh'd by *Valeſius* [*n*]; where 'tis ſaid, that *Procopius* had three Offices in the Church of *Scythopolis*; he was Reader, Exorciſt, and Interpreter of the *Syriack* Tongue. I conceive the Office was chiefly in ſuch Churches where the People ſpake different Languages; as in the Churches of *Paleſtine*, where probably ſome ſpake *Syriack*, and others *Greek*; and in the Churches of *Africk*, where ſome ſpake *Latin*, and others *Punick*. In ſuch Churches there was Occaſion for an Interpreter, that thoſe who underſtood not the Language in which the Scriptures were

[*l*] Balſam. Not. ad Can. 9. Concil. Nic. 2. [*m*] Epiph. Expoſ. Fid. n. 21. ἑρμηνευταὶ γλώσσης εἰς γλῶσσαν, ἢ ἐν ταῖς ἀναγνώσεσιν, ἢ ἐν ταῖς προσομιλίαις. [*n*] Acta Procop. ap. Valeſ. Not. in Euſeb. de Martyr. Palæſtin. c. 1. Ibi Eccleſiæ tria Miniſteria præbebat: Unum in Legendi Officio, alterum in Syri Interpretatione ſermonis, & tertium adverſus Dæmones manus Impoſitione conſummans.

were read, or the Homilies preach'd, might receive Edification by having them immediately render'd into a Tongue which they did understand. So far was the Primitive Church from encouraging Ignorance, by locking up the Scriptures in an unknown Tongue, that she not only Translated them into all Languages, but also appointed a standing Office of Interpreters, who were *viva voce* to make Men understand what was read, and not suffer them to be Barbarians in the Service of God; which is a Tyranny that was unknown to former Ages.

Sect. 5. *Of the* Notarii.

Another Office, that must not wholly be past over whilst we are upon this Head, is that of the *Notarij*, or *Exceptores*, as the *Latins* called them; who are the same that the *Greeks* call ὀξυγεάφοι, and ταχυγεάφοι, from their writing Short-hand by Characters, which was necessary in the Service they were chiefly employed in. For the first Use of them was to take in Writing the whole Process of the Heathen Judges against the Christian Martyrs, and minutely to describe the several Circumstances of their Examination and Passion; What Questions were put to them; what Answers they made; and whatever passed during the time of their Tryal and Suffering. Whence such Descriptions were called, *Gesta Martyrum*, the Acts and Monuments of the Martyrs; which were the Original Accounts which every Church preserved of her own Martyrs. The first Institution of these *Notarij* into a standing Office at *Rome*, Bishop *Pearson* [o] and some other Learned Persons think, was under *Fabian* in the time of the *Decian* Persecution. For in one of the most ancient

[o] Pearson de Succession. Episc. Rom. Dissert. 1. c. 4. n. 3. Fell Not. in Cypr. Ep. 12.

ancient Catalogues [p] of the Biſhops of *Rome*, *Fabian* is ſaid to have appointed Seven Sub-deacons to inſpect the Seven Notaries, and ſee that they faithfully collected the Acts of the Martyrs. But though it was no ſtanding Office before, yet the thing it ſelf was alway done by ſome Perſons fitly qualified for the Work; as appears from the ancient Acts of *Ignatius* and *Polycarp*, and ſeveral others, which were written before *Fabian* is ſaid to have inſtituted Publick and Standing Notaries at *Rome*. In after Ages theſe Notaries were alſo employed in writing the Acts of the Councils, and taking Speeches and Diſputations and whatever elſe paſſed in Synod. Thus *Euſebius* [q] notes that *Malchion*'s Diſpute with *Paulus Samoſatenſis* in the Council of *Antioch* was recorded as it was ſpoken by the Notaries who took it from their Mouths: And *Socrates* ſays the ſame [r] of the Diſputation between *Baſilius Ancyranus* and *Photinus* in the Council of *Sirmium*. We read alſo of a ſort of Notaries in Councils, whoſe Office was to recite all Inſtruments, Allegations, Petitions, or whatever elſe of the like Nature was to be offered or read in Council. And theſe were commonly Deacons, and ſometimes a Presbyter was the chief of them, and thereupon ſtiled *Primicerius Notariorum*; as in the Acts of the general Councils of *Epheſus* and *Chalcedon* [s] there is frequent mention of *Aetius* Deacon and Notary, and *Peter* Presbyter of *Alexandria* and chief of the Notaries, *Primicerius Notariorum*. There were alſo Notaries

[p] Catalog. Rom. Pontif. in Fabian. Hic fecit ſex vel ſeptem ſubdiaconos, qui ſeptem Notariis imminerent, ut Geſta Martyrum fideliter colligerent. [q] Euſeb. Lib. 7. c. 29. ἐπισημειωσάμενοι ταχυγράφων. [r] Socrat. Lib. 2. c. 30. ὀξυγράφων ταῖς φωναῖς αὐτῶν γεγράφοντων. [s] Concil. Epheſ. Act. 1. in Actione 1. Concil. Chalced. Tom. 4. p. 292.

Notaries that were employed to take the Diſcourſes of famous and eloquent Preachers from their Mouths: By which Means, *Socrates* [*t*] obſerves, many of St. *Chryſoſtom*'s Sermons were preſerved, and ſome of *Atticus* his Succeſſor. Biſhops alſo had their private ὑπογραφεῖς, which ſome call Notaries: But *Valeſius* [*u*] reckons them in the Quality of Readers. Whatever they were, *Athanaſius* ſerved in this Office, as ὑπογραφεὺς, under *Alexander*, and *Proclus* under *Atticus*, as *Socrates* [*w*] informs us.

Sect. 6. *Of the* Aprociſarij, *or* Reſponſales.

The curious Reader perhaps will find ſeveral other of theſe leſſer Offices, which he will think might come into this Catalogue: But that I may not ſeem too minute in ſmall Matters, I will only add one Office more, which is that of the *Apocriſarij* or *Reſponſales*. Theſe were a ſort of Reſidents in the Imperial City in the Name of foreign Churches and Biſhops, whoſe Office was to negotiate as Proctors at the Emperours Court, in all Eccleſiaſtical Cauſes wherein their Principals might be concerned. The Inſtitution of their Office ſeems to have been in the Time of *Conſtantine*, or not long after, when the Emperours being become Chriſtians, foreign Churches had more Occaſion to promote their Suits at the Imperial Court than formerly: However we find it eſtabliſhed by Law in the Time of *Juſtinian*: For in one of his Novels [*x*] it is ordered, that foraſmuch as no Biſhop was to be long abſent from his

[*t*] Socrat. Lib. 6. c. 4. It. Lib. 7. c. 2. [*u*] Valeſ. Not. in Socr. Lib. 5. c. 22. [*w*] Socrat. Lib. 7. c. 17, & 41. [*x*] Juſtin. Novel. 6. c. 2. Sancimus, ſi quando propter Eccleſiaſticam occaſionem inciderit neceſſitas, hanc aut per eos qui res agunt ſanctarum Eccleſiarum (quos Apocriſarios vocant) aut per aliquos Clericos huc deſtinatos, aut Oeconomos ſuos notam Imperio facere, &c.

his Church without ſpecial Command from the Emperour; if therefore any one had Occaſion to negotiate any Eccleſiaſtical Cauſe at Court, he ſhould prefer his Petition either by the *Apocriſarius* of his Church, whoſe Buſineſs was to act in Behalf of the Church, and proſecute her Affairs; or elſe by the *Oeconomus*, or ſome other of his Clergy ſent on purpoſe to ſignify his Requeſt. It does not indeed appear from that Law that theſe *Apocriſarij* were of the Clergy, but from other Writers we may eaſily collect it: For *Liberatus* [y] ſays, *Anatolius* a Deacon of *Alexandria* was *Apocriſarius* or Reſident for *Dioſcorus* his Biſhop at *Conſtantinople*, by which Means he gained a favourable Opportunity of being choſen Biſhop of *Conſtantinople* upon the Death of *Flavian*. And *Evagrius* [z] obſerves the ſame of *Eutychius*, that from being *Apocriſarius* to the Biſhop of *Amaſia* he was immediately advanced to be Biſhop of the Royal City after *Mennas*. Which ſeems plainly to imply that he was one of the Clergy before, ſince it does not appear that he was promoted *per ſaltum*. I muſt farther obſerve, that in Imitation of theſe *Apocriſarij* in the Church, almoſt every Monaſtery had their *Apocriſarij* likewiſe, whoſe Buſineſs was not to reſide in the Royal City, as the Former did, but to act as Proctors for their Monaſtery, or any Member of it, when they had Occaſion to give any Appearance at Law before the Biſhop under whoſe Juriſdiction they were. This is clear from another of *Juſtinian*'s Novels, which [a] requires the *Aſceticks* in ſuch Caſes to anſwer by their *Apocriſarij* or *Reſponſales*. And theſe were ſometimes alſo of the Clergy, as appears from the Acts

[y] Liberat. Breviar. c 12. Ordinatus eſt pro eo (Flaviano) Anatolius Diaconus, qui fuit Conſtantinopoli Apocriſarius Dioſcori. [z] Evagr. Lib. 4. c. 38. τῆς ἀποκρίσεσιν Ἀμασείας ἐπισκόπῳ διήκονεῖτο, &c. [a] Juſtin. Novel. 79. c. 1.

Acts of the 5th general Council, where one *Theonas* [b] ſtiles himſelf Presbyter and Apocriſarius of the Monaſtery of Mount *Sinai*. The *Latin* Tranſlator calls him *Ambaſiator*, which is not ſo very proper, yet it in ſome Meaſure expreſſes the thing: For as *Suicerus* [c] obſerves, in Proceſs of Time the Emperours alſo gave the Name of *Apocriſarij* to their own Ambaſſadors, and it became the common Title of every Legate whatſoever. Which I the rather note, that the Reader may diſtinguiſh theſe things, and not confound the Civil and Eccleſiaſtical Senſe of the Name *Apocriſarius* together. And thus much of the inferior Orders and Offices of the Clergy in the primitive Church.

[b] Concil. 5. General. Act. 1. in Libello Monachor. Syriæ Secundæ. Tom. 5. p. 116. Θεωνᾶς πρεσβύτερος, καὶ ἀποκρισιάριος τῆς ἁγίας ὄρους Σινᾶ. [c] Suicer. Theſaur. Tom. 1. p. 456.

BOOK

BOOK IV.

Of the Elections and Ordinations of the Clergy, and the particular Qualifications of such as were to be ordained.

CHAP. I.

Of the several Ways of designing Persons to the Ministry in the Apostolical and Primitive Ages of the Church.

Sect. 1. *Four several ways of designing Persons for the Ministry. Of the first way by casting Lots.*

HAving thus far given an Account of all the Orders of the Clergy in the Primitive Church, both Superior and Inferior, together with the several Offices and Functions that were annexed to them, I now proceed to consider the Rules and Methods that were observed in setting apart fit Persons for the Ministry, especially for the Three superior Orders, which were always of principal Concern. And here in the first Place it will be proper to observe, that in the Apostolical and following Ages there were Four several Ways of designing Persons for the Ministry, or discovering who were most fit to be ordained; the First of which was by casting Lots; the Second by making Choice of the First-Fruits of the *Gentile* Converts; the Third by particular Direction and Inspiration of the Holy Ghost; and the Last in the common and ordinary

ordinary way of Examination and Election. The first Method was observed in the Designation of *Matthias* to be an Apostle, as we read *Acts* 1. 23, 26. where 'tis said, that the Disciples themselves first appointed Two, *Joseph* called *Barsabas*, and *Matthias*; and then praying to God, that he would shew whether of those Two he had chosen, they gave forth their Lots, and the Lot fell upon *Matthias*. St. *Chrysostom* [a] says, they used this Method because as yet the Holy Ghost was not Descended on them, and they had not at this Time the Power of chooſing by Inspiration; and therefore they committed the Business to Prayer, and left the Determination to God. The Author of the Ecclesiastical Hierarchy, under the Name of *Dionysius* [b], fancies, that God answered their Prayer by some Visible Token: But if so, this had not been Chooſing by Lot, as the Scripture says it was, but a quite different Method of Election. However Interpreters generally agree, that there was something Extraordinary in it: Dr. *Lightfoot* [c] thinks *Matthias* had no other Ordination to his Apostleship; for the Apostles did not give him any Ordination by Imposition of Hands after this, as they did to Presbyters afterwards: And that, if true, was Extraordinary indeed. Others reckon the Extraordinariness of it to consist in the singular way of Electing and Designing him to that Office by Lot: For they say [d] all Ecclesiastical History scarce affords such another Instance: And I confess there are not very many, but some few there are, which shew that That Method of Electing was not altogether so singular as is commonly

[a] Chrys. Hom. 5. in 1 Tim. [b] Dyonys. Eccl. Hier. c. 5. p. 367. [c] Lightfoot in Act. 1. 26. [d] Dodwel. Dissert. 1. in Cypr. n. 17.

imagined: For in *Spain* it was once the common Practice, as may be concluded from a Canon [e] of the Council of *Barcelona*, *An.* 599. which orders, that when a vacant Biſhoprick is to be filled, two or three ſhall be Elected by the Conſent of the Clergy and People, who ſhall preſent them to the Metropolitan and his Fellow-Biſhops, and they having firſt Faſted, ſhall caſt Lots, leaving the Determination to Chriſt the Lord: Then he on whom the Lot ſhall fall, ſhall be conſummated by the Bleſſing of Conſecration. There is nothing different in this from the firſt Example, ſave only that in this there is expreſs mention of a Conſecration afterward, which is not in the Hiſtory of *Matthias*. And yet perhaps there might be a Conſecration in his Caſe too, though not expreſly mentioned: But I leave this to farther Enquiry.

Sect. 2. *The ſecond way by making Choice of the Firſt-Fruits of the* Gentile *Converts.*

The ſecond way of Deſignation was by making Choice of the Firſt-fruits of the *Gentile* Converts to be Ordain'd to the Miniſtry. For theſe expreſſing a greater Zeal than others, by their Readineſs and Forwardneſs to embrace the Goſpel, were generally pitch'd upon by the Apoſtles, as beſt qualified for propagating the Chriſtian Religion in the World. *Clemens Romanus* in his Epiſtle [f] to the *Corinthians* ſays, the Apoſtles in all Countries and Cities where they preached, Ordain'd their Firſt

[e] Concil. Barcinon. c. 3. Tom. 5. p. 1606. Duobus aut tribus, quos ante Conſenſus Cleri & Plebis elegerit, Metropolitani judicio ejuſque Coepiſcopis præſentatis, quem Sors, præeunte jejunio, Chriſto Domino terminante, monſtraverit, Benedictio Conſecrationis accumulet. [f] Clem. Rom. Ep. 1. n. 42. κατὰ χώρας καὶ πόλεις κηρύσσοντες, κατέστανον τὰς ἀπαρχὰς αὐτῶν, δοκιμάζοντες τῷ πνεύματι εἰς ἐπισκόπους καὶ διακόνους τῶν μελλόντων πιστεύειν.

First Converts Biſhops and Deacons, for the Converſion of others; and that they had the Direction of the Spirit for doing this. And hence the Author that perſonates the ſame *Clemens*, in his pretended Epiſtle to *James* Biſhop of *Jeruſalem*, giving him an Account of the Reaſons that moved St. *Peter* to Ordain him, ſays [g] it was becauſe he was Chief of the Firſt-fruits of his Converts among the *Gentiles*. Some compare this to the Right of Primogeniture among the ancient Patriarchs, which entitled the Firſt-born to the Prieſthood: And I will not deny but there might be ſomething of Alluſion in it: But then the Parallel will not hold throughout; for in the latter Caſe it was not any natural Right, but Perſonal Merit attending their Primogeniture, that entitled the firſt Converts to the Chriſtian Prieſthood.

Sect. 3. *The third way by particular Direction of the Holy Ghoſt.*

Which will appear farther by conſidering, that many of them were Ordain'd by the particular Direction of the Holy Ghoſt. For ſo the Words, δοκιμάζοντες τῷ πνεύματι, in *Clemens Romanus* may be underſtood, to ſignify the Spirit's pointing out the particular Perſons whom he would have to be Ordained; which I obſerved to be the third way of Deſignation of Perſons to the Miniſtry, very uſual in thoſe Primitive Times of the Church. Thus *Timothy* was choſen and ordained, according to the Prophecies that went before of him, 1 *Tim.* 1. 18. Whence his Ordination is alſo called the Gift that was given him by Prophecy, 1 *Tim.* 4. 14. In regard to which the ancient Interpreters, *Chryſoſtom* [h] and

[g] Pſeudo-Clem. Ep. ad Jacob. ap. Coteler. T. 1. p. 606. ἐπὶ γὰρ δὴ ἐμοῦ τῶν σωζομένων ἐθνῶν εἰ χριστίων ἀπαρχή. [h] Chryſ. & Theod. in 1 Tim. 1. 18.

Theodoret ſay, he had not any human Vocation, but was choſen by Divine Revelation, and Ordain'd by the Direction of the Spirit. *Clemens Alexandrinus* in his famous Homily, entitled, *Quis Dives ſalvetur*, obſerves the ſame of the Clergy of the *Aſiatick* Churches, whom St. *John* Ordain'd after his Return from the Iſle of *Patmos*: He ſays, they were ſuch as were ſignified or pointed out [*i*] to him by the Spirit. I know indeed *Combefis* [*k*] puts a different Senſe upon theſe Words, and ſays, the Deſignation here ſpoken of, means not any new or diſtinct Revelation, but I know not what Divine Predeſtination of the Perſons; or elſe their Ordination it ſelf, which was the Seal or Conſignation of the Spirit; and that there is no Authority for the common Senſe which Interpreters put upon this Paſſage. But as he owns his Notion to be ſingular, and contrary to the Senſe of all other learned Men; ſo it is evidently againſt Matter of Fact and ancient Hiſtory, which affords ſeveral other Inſtances of the like Deſignations in the following Ages. I will give an Inſtance or two out of many. *Euſebius* [*l*] ſays, *Alexander* Biſhop of *Jeruſalem* was choſen κατὰ ἀποκάλυψιν, by Revelation, and an Oracular Voice, which ſignified to ſome *Aſcetick*s of the Church, that they ſhould go forth out of the Gates of the City, and there meet him whom God had appointed to be their Biſhop; which was this *Alexander*, a Stranger from *Cappadocia*, coming upon other Buſineſs to *Jeruſalem*. He was indeed Biſhop of

[*i*] Clem. Alex. ap. Euſeb. Lib. 3. c. 23. & ap. Combefiſ. Auctar. Noviſſ. p. 185. κλήσῳ ἔναγε τινα κληρώσων τῶν ὑπὸ τῦ πνεύματος σημαινομένων. [*k*] Combefiſ. Not. in Loc. p. 192. Quos ſpiritus deſignaſſet Divina potius Prædeſtinatione, quàm nova aliqua & Diſtincta Revelatione, quam nec Clemens ſignificavit, nec ulla probat auctoritas, &c. [*l*] Euſeb. Lib. 6. c. 11.

of another Place before; but his Tranſlation to the See of *Jeruſalem* was wholly by Divine Direction, which is the thing I alledge it for. We have another ſuch Inſtance in the Election of *Alexander* named *Carbonarius*, Biſhop of *Comana*, mentioned by *Gregory Nyſſen* in the Life of *Gregory Thaumaturgus*. This *Alexander* was a *Gentile* Philoſopher, and very Learned Man, who upon his Converſion to Chriſtianity, that he might avoid Obſervation, and follow his Philoſophical Studies with the greater Privacy, in his great Humility betook himſelf to the Trade of a Collier, whence he had the Name of *Carbonarius*. Now it happened upon the Vacancy of the Biſhoprick of *Comana*, that the Citizens ſent to *Gregory Thaumaturgus* to deſire him to come and Ordain them a Biſhop; but they not agreeing in their Choice, one by way of Jeſt and Ridicule propoſed *Alexander* the Collier, who being diſcovered [*m*] by ſpecial Revelation to *Gregory Thaumaturgus* to be a Man of extraordinary Vertues and Worth, who had ſubmitted to that contemptible Calling only to avoid being taken notice of; and being found upon a due Enquiry to be the Man he was repreſented to be, he was thereupon unanimouſly choſen by all the Church to be their Biſhop, and immediately Ordain'd by St. *Gregory*. *Cyprian* often ſpeaks of this Divine Deſignation in the Caſe of *Celerinus* [*n*], and *Aurelius* [*o*], when they were but to be Ordain'd Readers: And he ſays alſo,

[*m*] Nyſſen. Tom. 3. p. 562. [*n*] Cypr. Ep. 34. al. 39. ad Cler. Carthag. Referimus ad vos Celerinum Fratrem noſtrum---Clero noſtro non humana Suffragatione, ſed Divina Dignatione conjunctum. Qui cum conſentire dubitaret, Eccleſiæ ipſius admonitu & hortatu in Viſione per noctem compulſus eſt, ne negaret nobis ſuadentibus, &c. [*o*] Id. Ep. 33. al. 38. Exſpectanda non ſunt Teſtimonia Humana, cum præcedunt Divina Suffragia.

he had a Divine Direction [p] to tranſlate *Numidicus* from another Church to the Church of *Carthage*. And *Sozomen* [q] tells us from *Apollinarius*, that *Alexander* Biſhop of *Alexandria* appointed *Athanaſius* his Succeſſor by Divine Command. For ſometime before his Death it was ſignified to him by Divine Revelation, that no one ſhould ſucceed him but *Athanaſius*: And therefore when he lay upon his Death-bed, he called *Athanaſius* by Name, who was then abſent and fled for fear of being made Biſhop; and another of the ſame Name, who was preſent, anſwering to the Call, he ſaid nothing to him, but called *Athanaſius* again: Which he did ſeveral Times, whereby it was at laſt underſtood, that he meant the *Athanaſius* that was fled; to whom, though abſent, he then Prophetically ſaid, *Thinkeſt thou that thou art eſcaped*, Athanaſius? *No*: *Thou art not eſcaped.* It were eaſie to add many other Inſtances of the like Nature, but theſe are ſufficient to ſhew againſt *Combefis*, that in thoſe early Ages Men were ſometimes deſign'd to the Miniſtry by particular Divine Revelation and Prophecy, or elſe the Ancients themſelves were wonderfully deceived. Whilſt I am upon this Head, I muſt ſuggeſt two things farther: Firſt, that a Dove's lighting upon the Head of any Man at an Election was uſually taken for a Divine Omen; and commonly the Perſon who had that Sign was look'd upon as pointed out by the Spirit, and accordingly choſen before all others, as having a ſort of Emblem of the Holy Ghoſt. *Euſebius* obſerves [r] it was this that

[p] Id. Ep. 35. al. 40. Admonitos nos & inſtructos ſciatis dignatione Divina, ut Numidicus Presbyter adſcribatur Presbyterorum Carthaginienſium numero. [q] Sozom. Lib. 2. c. 17. Ἀλέξανδρος διάδοχον αὐτῷ κατέλιπεν Ἀθανάσιον. Θείαις προσάξεσιν ἐπ' αὐτὸν ἀγαγὼν τὴν ψῆφον, &c. [r] Euſeb. Lib. 6. c. 29.

that turned the Election upon *Fabian* Biſhop of *Rome*, and gave him the Preference before all others, though he was a Stranger. No one at firſt thought of chooſing him: But a Dove being obſerv'd by the People to ſettle upon his Head, they took it for an Emblem of the Holy Ghoſt, which heretofore deſcended upon our Saviour in the Form of a Dove; and thereupon with one Conſent, as if they had been mov'd themſelves by the Holy Ghoſt, they cry'd out Ἄξιον, he was worthy; which was the Word then uſed to ſignify their Conſent; and ſo without more ado they took him and ſet him upon the Biſhop's Throne. The Election of *Severus* Biſhop of *Ravenna*, and that of *Euortius* Biſhop of *Orleans* was determined the ſame Way, as *Blondel* [s] has obſerved out of their Lives in *Surius*; and the Inquiſitive Reader may furniſh himſelf with other Inſtances from his own Obſervation. The other thing I would ſuggeſt, is, That ſometimes an accidental Circumſtance was ſo providentially diſpoſed, as to be taken for an Indication of the Divine Will, and Approbation of an Election. *Sulpicius Severus* makes this Obſervation particularly upon a Circumſtance that happen'd in the Election of St. *Martin* Biſhop of *Tours*. Some of the provincial Biſhops, who were met at the Place, for very unjuſt Reaſons oppoſed his Election; and more eſpecially one, whoſe Name was *Defenſor*, was a violent Stickler againſt him. Now it happen'd, that the Reader who was to have read that Day, not being able to get in due Time to his Place by reaſon of the Preſs and Crowding of the People, and the reſt being in a little Confuſion upon that Account; one of thoſe that ſtood by,

[s] Blondel. Apol. p 426. Surius Vit. Sanctor. Feb. 1, & Sep. 7.

taking up a Book, read the firſt Verſe that he lighted upon, which happened to be thoſe Words of the 8th Pſalm, *Out of the Mouth of Babes and Sucklings thou haſt perfected Praiſe, becauſe of thine Enemies, that thou mighteſt deſtroy the Enemy and Defenſor.* For ſo it ſeems the Vulgar *Gallican* Tranſlation then read it, *Ut deſtruas inimicum & Defenſorem.* Theſe words were no ſooner read, but the People gave a Shout, and the adverſe Party were confounded: And ſo, ſays our Author [*t*], it was generally believ'd that this *Pſalm* was read by Divine Appointment, that *Defenſor* the Biſhop might hear his own work Condemned, whilſt the Praiſes of God were perfected in St. *Martin, out of the Mouth of Babes and Sucklings*, and the Enemy was at once both diſcovered and deſtroyed. By what has been ſaid the Reader now will be able to judge of the meaning of the Ancients, when they ſpeak of Particular Divine Deſignations of Perſons to the Miniſtry of the Church.

Sect. 4. *The fourth way by Common Suffrage and Election.*

The fourth and laſt way of Deſignation was by the Ordinary Courſe of Suffrage and Election of the Church: The Method of which in general was ſo accurate and highly appoved, that one of the *Roman* Emperours, though an Heathen, thought fit to give a great Character and Encomium of it, and propoſe it to himſelf as an Example proper to be imitated in the Deſignation and Choice of Civil Officers for the Service of the Empire. For ſo *Lampridius* [*u*] repreſents

[*t*] Sever. Vit. S. Martin. c. 7. p. 225. Ita habitum eſt, Divino nutu Pſalmum hunc lectum fuiſſe, ut teſtimonium operis ſui Defenſor audiret, quia ex ore Infantium atque lactentium in Martino Domini laude perfecta, & oſtenſus pariter & deſtructus eſt inimicus. [*u*] Lamprid. Vit. Alex. Sever. c. 45.

preſents the Practice of *Alexander Severus*: Whenever he was about to conſtitute any Governours of Provinces, or Receivers of the publick Revenues, he firſt propoſed their Names, deſiring the People to make Evidence againſt them, if any one could prove them guilty of any Crime; but if they accuſed them falſly, it ſhould be at the Peril of their own Lives; ſaying it was unreaſonable, that when the Chriſtians and *Jews* did this in propounding thoſe whom they ordained their Prieſts and Miniſters, the ſame ſhould not be done in the Appointment of Governours of Provinces, in whoſe Hands the Lives and Fortunes of Men were intruſted. This argues, that all imaginable Care was taken in the Election of Chriſtian Miniſters, ſince their Practice in this Reſpect has ſuch ample Teſtimony from the Heathens. And indeed all modern Writers agree upon the Matter in general, that anciently Elections were made with a great deal of Caution and Exactneſs: But as to the particular Methods that were uſed, Men are ſtrangely divided in their Accounts of them; by which Means there is no one Subject has been rendered more intricate and perplex'd than this of Elections, which has even frighted ſome from attempting to give an Account of it. But I muſt not wholly diſappoint my Readers through ſuch Fears, and therefore I ſhall briefly acquaint them with the different Sentiments of modern Authors who have handled this Subject, and then clear what I take to be the true State of the Caſe from evident Proofs of ancient Hiſtory, which ſhall be the Buſineſs of the next Chapter.

CHAP.

CHAP. II.

A more particular Account of the ancient Method and Manner of Elections of the Clergy.

Sect. 1. *The different Opinions of learned Men concerning the Peoples Power anciently in Elections.*

THE grand Question in this Affair, upon which learned Men are so much divided, is concerning the Persons who had a Right to vote in the Elections of the Clergy. Some think the People were never allowed any other Power, save only to give their Testimonials to the Party elected, or to make Objections, if they had any just and reasonable Exceptions, against him. So *Habertus* [*a*], and *Sixtus* [*b*] *Senensis*, and *Bellarmin* [*c*]. Others say, the People were absolute and proper Electors, and that from Apostolical Right, which they always enjoyed for a Succession of many Ages. This Opinion is advanced, and with great Shew of Learning asserted by *Blondel* [*d*] against *Sancta Clara* and the rest of the other Opinion. *De Marca* [*e*] takes a middle Way between those Two Extremes: He says the People had as much Power anciently as any of the Clergy below Bishops; that is, their Consent was required in the Promotion of a Bishop, as well as their Testimony: Yet he will not allow this to be called Electing; for the Designation, Election, or Judgment, he says, still belonged only to the Metropolitan, together with the Synod of Provincial Bishops. And though

[*a*] Habert. Archieratic. p. 436. [*b*] Sixt. Biblioth. Lib. 5. Annot. 118. [*c*] Bellarm. de Clericis Lib. 1. c. 7. [*d*] Blondel. Apol. p. 379, &c. [*e*] Marca de Concord. Lib. 8. cap. 2. n. 2.

though we read ſometimes of their giving their Vote or Suffrage, yet That, he ſays, is only to be underſtood of Suffrage of Conſent, not the Suffrage of Election. But Mr. *Maſon*, in anſwer to *Pamelius*, who had advanced ſomething of this Notion before *de Marca*, rejects this as a deluding Diſtinction, and aſſerts, that the People had properly a Voice or Suffrage of Election, and he quotes [*f*] Biſhop *Andrews* [*g*] for the ſame Opinion: Yet he does not carry the Point ſo high, as to maintain with *Blondel* that it was of unalterable Right, but left by God as a thing indifferent, to be ordered by the Diſcretion of the Church, ſo all things be done honeſtly and in order. And this ſeems to have been the Opinion of *Spalatenſis* [*h*], *Richerius* [*i*], *Juſtellus* [*k*], *Suicerus*, and ſome other learned Men of both Churches. Others there are who diſtinguiſh between the Times preceding the Council of *Nice*, and thoſe that followed after: For they think whatever Power was allowed the People in the Three firſt Ages, was taken away by that Council, and the Councils of *Antioch* and *Laodicea* that followed not long after. So *Schelſtrate* [*l*] in his Diſſertations upon the Council of *Antioch*, where he quotes *Chriſtianus Lupus* and *Sirmond* for the ſame Opinion. But this is exploded as a groundleſs Fiction, not only by *Spalatenſis* [*m*] and Biſhop *Pearſon* [*n*], but alſo by *Richerius* [*o*], *Cabaſſutius*

[*f*] Maſon's Conſecrat. of Biſhops, Lib. 4. c. 4. p. 159, 160. [*g*] Andrews Reſp. ad Apol. Bell. c. 13. p. 313. Præſentia Plebis apud Cyprianum includit teſtimonium de Vita, nec excludit ſuffragium de Perſona. [*h*] Spalat. de Repub. Lib. 3. c. 3. n. 42. [*i*] Richer. Hiſt. Concil. Lib. 1. c. 12. n. 18. p. 389. [*k*] Juſtel. Not. in Can. 6. Conc. Chalced. [*l*] Schelſtr. Not. in Can. 19. Conc. Antioch. [*m*] Spalat. de Repub. Lib. 3. c. 3. n. 12. [*n*] Pearſon. Vind. Ignat. Par. 1. c. 11. p. 324. [*o*] Richer. Hiſt. Concil. Tom. 1. c. 2. n. 7.

Cabaſſutius [p], *Valeſius* [q], *Petavius* [r], *de Marca* [s], and other learned Perſons of the *Roman* Communion, who think the Fathers of the *Nicene* Council made no Alteration in this Matter, but left all things as they found them. Some again diſtinguiſh between the Election of Biſhops and the other Clergy, and ſay, the Peoples Conſent was only required in the Election of Biſhops, but not in the Promotion of the inferior Clergy. So *Cabaſſutius* [t], and Biſhop *Beverege* [u], who reckons this ſo clear a Point that there is no Diſpute to be made of it. Yet *Valeſius* diſputes it, and aſſerts the contrary [w], that anciently Presbyters were not to be ordained by the Biſhop without the Conſent of the Clergy and People. Biſhop *Stillingfleet*, who is one of the laſt that has conſidered this Matter, gives us his Senſe in theſe following Obſervations: Firſt, That the main Ground of the Peoples Intereſt [x] was founded upon the Apoſtle's Canon, That a Biſhop muſt be blameleſs and of good Report: And therefore he ſays [y], the Peoples Share and Concern in Elections, even in *Cyprian's* Time, was not to give their Votes, but only their Teſtimony concerning the good or ill Behaviour of the Perſon. Secondly, That yet upon this the People aſſumed the Power of Elections, and thereby cauſed great Diſturbances and Diſorders in the Church. Thirdly, That to prevent theſe, many Biſhops were appointed without their Choice, and

[p] Cabaſſut. Notit. Concil. c. 17. p. 83. [q] Valeſ. Not. in Euſeb. Lib. 6. c. 43. [r] Petav. Not. in Syneſ. p. 56. [s] Marca de Concord. Lib. 8. c. 3. n. 4. [t] Cabaſſut. Notit. Concil. c. 36. p. 196. [u] Bevereg. Not. in Can. 6. Conc. Chalced. [w] Valeſ. in Euſeb. Lib. 6. c. 43. Presbyteri olim ab Epiſcopo ordinari non poterant ſine Conſenſu Cleri & Populi. [x] Stillingfl. Unreaſon. of Separat. Par. 3. n. 25. p. 312. [y] Ibid. p. 316, 317.

and Canons made for the better regulating of them. Fourthly, That when there were Christian Magistrates, they did interpose as they thought fit, notwithstanding the popular Claim, in a Matter of so great Consequence to the Peace of Church and State. Fifthly, That upon the Alteration of the Government of Christendom, the Interest of the People was secured by their Consent in Parliaments, and that by such Consent the Nomination of Bishops was reserved to Princes, and the Patronage of Livings to particular Persons. In this great Variety of Judgments and Opinions of learned Men, it will be no Crime to dissent from any of them, and therefore I shall take the Liberty to review their Opinions, and express impartially what I take to be agreeable or disagreeable in any of them to ancient History, and the Rules and Practice of the Church.

Sect. 2. *The Power of the People equal to that of the inferior Clergy in the Election of a Bishop.*

And here first of all it will be proper to observe, that there was no one universal unalterable Rule observed in all Times and Places about this Matter, but the Practice varied according to the different Exigencies and Circumstances of the Church; as will evidently appear in the Sequel of this History. In the mean time I conceive the Observation made by *de Marca* thus far to be very true, That whatever Power the inferior Clergy enjoyed in the Election of their Bishop, the same was generally allowed to the People, or whole Body of the Church, under the Regulation and Conduct of the Metropolitan and Synod of provincial Bishops: For their Power, whatever it was, is spoken of in the very same Terms, and expressed in the same Words. Some call it Consent, others Suffrage or Vote, others Election or Choice; but all agree in this, that it was equally the

the Conſent, Suffrage, Vote, Election and Choice both of Clergy and People. Thus *Cyprian* obſerves [z] of *Cornelius*, that he was made Biſhop by the Teſtimony of the Clergy and Suffrage of the People. Where it is evident the Words Teſtimony and Suffrage, are equally aſcribed both to Clergy and People. *Socrates* [a] ſpeaking of the Election of *Chryſoſtom*, ſays he was choſen by the common Vote of all, both Clergy and People. And *Theodoret* deſcribes the Election of *Euſtathius* Biſhop of *Antioch* after the ſame Manner, when he tells us [b] he was compelled to take the Biſhoprick by the common Vote of the Biſhops and Clergy and all the People. *Siricius* [c] ſtiles this the Election of the Clergy and People; and *Celeſtin* [d] the Conſent and Deſire of the Clergy and People; and *Leo* [e] both the Conſent, and Election, and Suffrage or Votes of the People; who adds alſo, that in caſe the Parties were divided in their Votes, then the Deciſion ſhould be referr'd to the Judgment of the Metropolitan, who ſhould chuſe him who had moſt Votes and greateſt Merit to recommend him. From all which, and many other Paſſages that might

[z] Cypr. Ep. 52. al. 55. ad Antonian. p. 104. Factus eſt Cornelius Epiſcopus——De Clericorum pene omnium Teſtimonio, de Plebis quæ tum adfuit Suffragio. [a] Socrat. Lib. 6. c. 2. ψηφίσματι κοινῷ ὁμοῦ πάντων, κλήρου τε καὶ λαοῦ. [b] Theod. Lib. 1. c. 7. ψήφῳ κοινῇ κατηνάγκασαν ἀρχιερεῖς τε καὶ ἱερεῖς καὶ ἅπας ὁ λεώς. [c] Siric. Ep. 1. ad Himerium Tarracon. c. 10. Prebyterio vel Epiſcopatui, ſi eum Cleri ac Plebis evocaverit Electio, non immerito ſocietur. [d] Celeſtin. Ep. 2. c. 5. Nullus invitis detur Epiſcopus. Cleri, Plebis, & Ordinis Conſenſus & Deſiderium requiratur. [e] Leo M. Ep. 84. ad Anaſtaſ. c. 5. Cum de ſummi Sacerdotis Electione tractabitur, ille omnibus præponatur, quem Cleri Plebiſque Conſenſus concorditer poſtularit; ita ut ſi in aliam forte Perſonam Partium ſe Vota diviſerint, Metropolitani Judicio is alteri præferatur, qui Majoribus & ſtudiis juvatur & meritis, &c.

might be alledged to the ſame Purpoſe, it is very evident, that the Power of the Clergy and People was equal in this Matter, and that nothing was challenged by the one that was not allowed to the other alſo.

Sect. 3. *This Power not barely Teſtimonial, but Judicial and Elective.*

And hence it appears farther, that this conjunctive Power of Clergy and People was not barely Teſtimonial, but, as Biſhop *Andrews* and Mr. *Maſon* aſſert, a judicial and effective Power, by way of proper Suffrage and Election; and that as well in the Time of *Cyprian*, as afterwards: For *Cyprian* ſpeaks both of Teſtimony and Suffrage belonging to both Clergy and People; and ſays farther [*f*], that That is a juſt and legitimate Ordination which is examined by the Suffrage and Judgment of all, both Clergy and People: So that they were then preſent at the Choice of their Biſhop, not merely to give Teſtimony concerning his Life, but as Biſhop *Andrews* words it, to give their Vote and Suffrage in Reference to his Perſon. Which Obſervation will be farther evidenced and confirmed, by proceeding with the Account of ſeveral Rules and Cuſtoms generally obſerved in theſe Elections.

One

[*f*] Cypr. Ep. 68. al. 67. ad Fatr. Hiſpan. p. 172. Ordinatio juſta & legitima, quæ omnium Suffragio & Judicio fuerit examinata.

Sect. 4.
Evidences of this Power from ſome ancient Rules and Cuſtoms of the Church: As firſt, That no Biſhop was to be obtruded on an Orthodox People without their Conſent.

One of theſe was, That no Biſhop was to be obtruded on any Orthodox People againſt their Conſent. I ſay, an Orthodox People; for in caſe the Majority of them were Hereticks or Schiſmaticks, the Practice was different, as will be ſhewed hereafter: But where they were all Catholicks, and could agree upon a Catholick and deſerving Biſhop, they were uſually gratified in their Choice, and no Perſon was to be put upon them againſt their Inclination. Sometimes the Biſhops in Synod propoſed a Perſon, and the People accepted him: Sometimes again the People propoſed and the Biſhops conſented; and where they were unanimous in a worthy Choice, we ſcarce ever find they were rejected. If they were divided, it was the Metropolitan's Care to unite and fix them in their Choice, but not to obtrude upon them an unchoſen Perſon. This we learn from one of *Leo*'s Epiſtles [g], where he gives us at once both the Churches Rule and Practice, and the Reaſons of it. In the Choice of a Biſhop, ſays he, let him be preferred whom the Clergy and People do unanimouſly agree upon and require: If they be divided in their Choice, then let the Metropolitan give Preference to him who has moſt Votes and moſt Merit: Always provided that no one be ordained againſt the Will and Deſire

[g] Leo Ep. 84. c. 5. Si in aliam forte Perſonam partium ſe Vota diviſerint, Metropolitani Judicio is alteri præferatur, qui majoribus & Studiis juvatur & Meritis: Tantum ut nullus invitis & non petentibus ordinetur, ne Plebs invita Epiſcopum non optatum aut contemnat aut oderit, & fiat minus religioſa quam convenit, cui non licuerit habere quem voluit.

ſire of the People, leſt they contemn or hate their Biſhop, and become irreligious or diſreſpectful, when they cannot have him whom they deſired. The Tranſgreſſion of this Rule was objected as a great Crime to *Hilarius Arelatenſis* by the Emperour *Valentinian* the 3d, that [*h*] he Ordained Biſhops in ſeveral Places againſt the Will and Conſent of the People, whom when they would not admit of, becauſe they had not choſen them, he uſed armed Force to ſettle them in their Sees, introducing the Preachers of Peace by the Violence of War. *Leo* objects [*i*] the ſame thing to him, ſaying, That he ought to have proceeded by another Rule, and firſt to have required the Votes of the Citizens, the Teſtimonies of the People, the Will of the Gentry, and the Election of the Clergy: For he that was to preſide over all, was to be choſen by all. This evidently ſhews, that the Suffrage of the People was then ſomething more than barely Teſtimonial.

Sect. 5.

2dly, *This farther confirmed from Examples of the Biſhops Complying with the Voice of the People againſt their own Inclination.*

2*dly*, Another Argument is, that in many Caſes the Voices of the People prevailed againſt the Biſhops themſelves when they happened to be divided in their firſt Propoſals. Thus it happen'd in the famous Election of St. *Martin* Biſhop of *Tours*, which has been mention'd in the laſt Chapter, *Sect.* 3. The People were unanimouſly for him; *Defenſor* with a great

[*h*] Novel. 24. ad Calcem Cod. Theod. Indecenter alios invitis & repugnantibus Civibus ordinavit. Qui quidem, quoniam non facile ab his qui non elegerant, recipiebantur, manum ſibi contrahebat armatam——Et ad ſedem quietis Pacem prædicaturos per Bella ducebat. [*i*] Leo Ep. 89. ad Epiſc. Vien. Exſpectarentur certe Vota Civium, Teſtimonia Populorum, quæreretur Honoratorum Arbitrium, Electio Clericorum —— Qui præfuturus eſt omnibus, ab omnibus eligatur.

Party of Biſhops at firſt were againſt him: But the Voice of the People prevailed, and the Biſhops complied and Ordain'd him. *Philoſtorgius* gives us ſuch another Inſtance. *Demophilus* Biſhop of *Conſtantinople*, with ſome other Biſhops ſuſpected of *Arianiſm*, meeting at *Cyzicum* to Ordain a Biſhop there, the People firſt made a Proteſtation againſt them, that unleſs they would Anathematize publickly *Aetius* and *Eunomius* both in Word and Writing, they ſhould Ordain no Biſhop there: And when they had complied to do this, they ſtill inſiſted on their Privilege, That no one ſhould be Ordained but one [*k*] of their own Chooſing. Which was one, who aſſoon as he was Ordain'd, Preach'd the Catholick Doctrine of the ὁμοούσιον, that the Son was of the ſame Subſtance with the Father. Ancient Hiſtory will furniſh the Reader with many other Inſtances of the like Nature.

Sect. 6. 3dly, *From the manner of the People's Voting at Elections.*

3*dly*, Another Evidence of the People's Power in Elections is the Manner of their Voting, or the way of giving their Aſſent or Diſſent to the Ordination of any Perſon: Which was threefold: For either, Firſt, they were Unanimous in their Vote for or againſt a Man, and then their way was to expreſs their Mind by a general Acclamation, crying out with one Voice, Ἄξιος, or Ἀνάξιος, *Dignus*, or *Indignus*, as the word then was, he is Worthy, or Unworthy. Inſtances of which Form the Reader may find in St. *Ambroſe* [*l*], St. *Auſtin* [*m*], *Euſebius*,

[*k*] Philoſtorg. Lib. 9. c. 13. ὃν αὐτῶν αἱ πλῆθοι προσέταξαν.
[*l*] Ambr. de Dignit. Sacerd. c. 5. In Ordinationibus eorum clamant & dicunt, Dignus es, & Juſtus es. [*m*] Aug. Ep. 110. Dignus & Juſtus eſt, dictum eſt vicies.

bius [n], *Philoſtorgius* [o], *Photius* [p], The Author [q] of the Conſtitutions, and ſeveral others. Or elſe, Secondly, they were divided in their Choice, and then they expreſſed their Diſſent in particular Accuſations of the Parties propoſed, and Sidings, and ſometimes outragious Tumults. St. *Chryſoſtom* [r] reflects upon this way in his Books of the Prieſthood, when he tells us, that in thoſe Popular Solemnities, which were then cuſtomarily held for the Choice of Eccleſiaſtical Rulers, one might ſee a Biſhop expoſed to as many Accuſations as there were Heads among the People. And the Account that is given not only by *Ammianus Marcellinus* [s], but by *Socrates* [t], and the other Hiſtorians, of the Tumult raiſed at *Rome* in the Election of *Damaſus*, ſhews that the People were indulged in ſomething more than barely giving Teſtimony, elſe they had hardly run into ſo great a Heat and ungovernable Tumult. There was alſo a Third way of Expreſſing their Conſent, which was by ſubſcribing the Decree of Election for greater Security, that no Party might pretend afterward that they had not given Aſſent to it: Thus it was in the Election of *Meletius* Biſhop of *Antioch*, who was choſen by common Conſent both of *Catholicks* and *Arians*, each Party preſuming him to be of their own Opinion. The Election-Paper was ſubſcribed by all, *Theodoret* [u] ſays, and put into the Hands of *Euſebius Samoſatenſis*, which *Conſtantius*, when *Meletius* prov'd a Catholick, demanded to have had it deſtroyed, but with all his Menaces he could not extort it from him.

[n] Euſeb. Lib. 6. c. 29. πάντα λαὸν Ἄξιον ἐπιβοῆσαι. [o] Philoſtorg. Lib. 9. c. 10. [p] Phot. Cod. 256 p. 1414. [q] Conſtit. Apoſt. Lib. 8. c. 4. [r] Chryſ. de Sacerdot. Lib. 3. c. 15. [s] Ammian. Lib. 27. c. 2. [t] Socrat. Lib. 4. c. 29. [u] Theod. Lib. 2. c. 31.

him. St. *Auſtin* gives the like Account [*w*] of the Election of *Eradius* his Succeſſor at *Hippo*, which for ſome Reaſons he got done in his own Life-time. He firſt ordered the Notaries of the Church to take the Acclamations of the People in Writing, and then required all that could write, to ſubſcribe the Inſtrument themſelves. And this was the common way whenever the Metropolitan could not be preſent at the Election; then the Decree of the whole Church was drawn up in Writing, and carried to him for his Conſent and Approbation. The Remains of which Cuſtom may ſtill be ſeen in the ancient *Ordo Romanus* [*x*], where there is a Form of a Decree which the Clergy and People were to Sign upon their Choice of a Biſhop, and preſent it to the Metropolitan and Synod, in order to his Conſecration. In which Caſe, if the Metropolitan found him upon Examination to be a Perſon every way qualified, as they repreſented him, he then confirm'd and ratified their Choice, and ſo proceeded immediately to his Ordination. All which argues that the People had ſomething of a Deciſive Power in Elections, and that their Suffrage was not meerly Teſtimonial.

4*thly*, This

[*w*] Aug. Ep. 110. A Notariis Eccleſiæ, ſicut cernitis, excipiuntur quæ dicimus, excipiuntur quæ dicitis, & meus ſermo, & veſtræ Acclamationes in terram non cadunt——Hoc ad ultimum rogo, ut Geſtis iſtis dignemini ſubſcribere qui poteſtis. [*x*] Ordo Rom. Biblioth. Patr. Tom. 10. p. 104. Decretum quod Clerus & Populus firmare (al. formare) debet de electo Epiſcopo ——Ut omnium noſtrum Vota in hanc Electionem convenire noſcatis, huic Decreto Canonico promptiſſima voluntate ſinguli manibus propriis roborantes ſubſcripſimus.

Sect. 7.
4thly, *From the Use and Office of Interventors.*

4*thly*, This is farther evident from the Use and Office of Interventors in the *Latin* Church, whose Business was to promote and procure a speedy Election of a new Bishop in any vacant See, as I have had occasion to shew [*] in another Place. For in the *Roman* and *African* Churches, upon the Vacancy of a Bishoprick, it was usual for the Metropolitan to grant a Commission to some of his Provincial Bishops to go to the vacant Church, and dispose the Clergy and People to be Unanimous in the Choice of a new Bishop; and when they were agreed, they petitioned the Metropolitan by the Interventor to confirm their Choice, and with a Synod of Provincial Bishops to come and Ordain him whom they had Elected; or else they drew up an Instrument in Writing, subscrib'd both by the Interventor and themselves, and presented the new Elect Bishop to the Metropolitan, who Ordain'd him in his own Church. This was the Practice of the *Roman* Province in the Time of *Symmachus* and *Gregory* the Great, as appears from their Epistles, which give Directions to the Interventors, or Visitors, as they call them, concerning their Behaviour in the present Case. Let no one, says *Symmachus* [*y*], draw up an Instrument of Election without the Presence of the Visitor, by whose Testimony the Agreement of the Clergy and People may be declared. And *Gregory* writing to *Barbarus* Bishop of *Beneventum*, and Visitor of the Church of *Palermo*, bids him endeavour to make the Clergy and People Unanimous in their Presentation

[*] *Book* 2. *Chap.* 15. [*y*] Symmach. Ep. 5. c. 6. Decretum sine Visitatoris præsentia nemo conficiat, cujus testimonio Clericorum, ac Civium possit Unanimitas declarari.

of a worthy Perſon to be their Biſhop, who could not [z] be rejected by the Canons; and then drawing up their Petition in Form of a Decree Sign'd with all their Hands, and the Letters Teſtimonial of the Viſitor, they ſhould ſend him to *Rome* for Conſecration. Nothing can be plainer, than that here the Clergy and People made the Choice of their Biſhop with the Aſſiſtance of a Viſitor or Interventor, and then preſented him to the Metropolitan, who, if he had no Canonical Exception againſt him, confirm'd their Choice, and proceeded to his Ordination.

Sect. 8.

5thly, *From the Cuſtom of the Peoples taking Perſons and having them ordained by Force.*

5thly, As a farther Evidence of this Power and Privilege indulged to the People, it may be obſerved likewiſe, that it was Cuſtomary in thoſe Days for the People in many Places to lay violent Hands upon Perſons, and bring them by Force to the Biſhop to be Ordain'd. Thus *Poſſidius* [a] tells us it was in the Ordination of St. *Auſtin*, the People ſiez'd him and brought him to the Biſhop, requiring with one Voice that he would Ordain him Preſbyter, whilſt he in the mean time wept abundantly for the Force that was put upon him. *Paulinus* [b] ſays

[z] Greg. Lib. 11. Ep. 16. Dilectio tua Clerum Plebemque ejuſdem Eccleſiæ admonere feſtinet, ut remoto ſtudio, uno eodemque Conſenſu talem ſibi præficiendum expetant ſacerdotem, qui & tanto Miniſterio dignus valeat reperiri, & venerandis Canonibus nullatenus reſpuatur. Qui dum fuerit poſtulatus cum Solemnitate Decreti omnium Subſcriptionibus roborati, & Dilectionis tuæ Teſtimonio Literarum, ad nos Sacrandus occurrat. [a] Poſſi. Vit. Aug. c. 4. Eum tenuerunt, &, ut in talibus conſuetum eſt, Epiſcopo ordinandum intulerunt, omnibus id uno Conſenſu & Deſiderio fieri perficique petentibus, magnoque ſtudio & clamore flagitantibus, ubertim eo flente.

[b] ſays the ſame of himſelf, that he was Ordain'd Prebyter by Force and the irreſiſtible Violence of an Inflam'd and Zealous People. And there are many other Inſtances of the like Nature.

Sect. 9.

6thly, *From the Title of Fathers, which ſome Biſhops upon this Account by way of Compliment gave to their People.*

6thly, I obſerve but one thing more relating to this Matter, which was the Compliment that ſome Biſhops paſs'd upon their People upon this Account, ſtiling them Fathers, in regard to the Share and Influence they had in their Deſignation and Election. St. *Ambroſe* himſelf ſpeaking to his People, addreſſes himſelf to them in this Style: *Ye are* [c] *my Fathers who choſe me to be Biſhop: Ye, I ſay, are both my Children and Fathers; Children in particular, Fathers all together.* In which Words he plainly refers to that providential Conſent of the People of *Milan*, who when they were divided before into ſeveral Factions, as ſoon as *Ambroſe* was named, all unanimouſly conſpired together in his Election. Theſe are ſome of thoſe Collateral Evidences that may be brought to prove, that anciently the Clergy and People joyn'd in a common Vote in the Election of their Biſhop; and that their Suffrage was ſomething more than Teſtimonial, eſpecially in the Fourth and Fifth Ages, in the *Latin* Church, where, as *De Marca* owns, the Peoples Requeſt was chiefly conſidered.

[b] Paulin. Ep. 35. inter Epiſt. Auguſt. A Lampio apud Barcilnonam in Hiſpania, per vim inflammatæ ſubito Plebis ſacratus ſum. Vid. Paulin. Ep. 6. ad Severum p. 101. [c] Ambr. Com. in Luc. Lib. 8. c. 17. Vos enim mihi eſtis Parentes, qui Sacerdotium detuliſtis: Vos, inquam, Filii vel Parentes, Filii ſinguli, univerſi Parentes.

Sect. 10. *What Power the People had in the Designation of Presbyters.*

Nor was this Privilege only indulg'd them in the Election of their Biſhop, but ſometimes in the Deſignation of Presbyters alſo. For St. *Auſtin* and *Paulinus* were but to be Ordain'd Presbyters, when that forcible Conſtraint, juſt now ſpoken of, was laid upon them by the People. Beſides St. *Jerom* [*d*] ſays expreſly, that Presbyters and the other Clergy were as much choſen by the People as the Biſhops were. And *Poſſidius* [*e*] notes this to have been both the Cuſtom of the Church, and St. *Auſtin*'s Practice in the Ordinations of Prieſts and Clerks, to have regard to the Majority or general Conſent of Chriſtian People. And *Siricius*, who ſpeaks the Senſe and Practice of the *Roman* Church, ſays [*f*], that when a Deacon was to be Ordain'd either Presbyter or Biſhop, he was firſt to be choſen both by the Clergy and People. And therefore I cannot ſo readily ſubſcribe to the Aſſertion of thoſe Learned Men, who ſay that Biſhops before their Ordination were propounded to the People, but not Presbyters or any other of the Inferior Clergy.

As

[*d*] Hieron. Ep. 4. ad Ruſtic. Cum te vel Populus vel Pontifex Civitatis in Clerum elegerit, agito quæ Clerici ſunt. Id. in Ezek. Lib. 10. c. 33. p. 609. Speculator Eccleſiæ, vel Epiſcopus vel Presbyter, qui à Populo electus eſt. [*e*] Poſſid. Vit. Aug. c. 21. In Ordinandis Sacerdotibus & Clericis conſenſum majorem Chriſtianorum & Conſuetudinem Eccleſiæ ſequendam eſſe arbitrabatur. [*f*] Siric. Ep. 1. ad Himer. Tarracon. c. 10. Exinde jam acceſſu temporum, Presbyterium vel Epiſcopatum, ſi eum Cleri ac Plebis evocaverit Electio, non immerito ſortietur.

Sect. 11. *Whether the Council of* Nice *made any Alteration in these Matters.*

As to those who assert, that the People were anciently indulged in these Matters before the Council of *Nice*, but that their Power was abridged by a new Decree of that Council, they are evidently under a Mistake: For it is certain the *Nicene* Fathers made no Alteration in this Affair, but left the whole Matter as they found it. For though in one of their Canons [g] it is said, that the Presence, or at least the Consent of all the Provincial Bishops, and the Confirmation or Ratification of the Metropolitan shall be necessary to the Election and Ordination of a Bishop; yet that is not said to exclude any ancient Privilege that the People enjoyed, but only to establish the Rights of Metropolitans and Provincial Bishops, which *Meletius* the Schismatical *Ægyptian* Bishop had particularly invaded, by presuming to ordain Bishops without the Authority of his Metropolitan, or Consent of his Fellow-Bishops in the Provinces of *Ægypt*. That nothing else was designed by that Canon is evident from this, That the same Council in the Synodical Epistle written to the Church of *Alexandria* expresly mentions the Choice of the People, and requires it as a Condition of a Canonical Election: For speaking of such *Meletian* Bishops as would return to the Unity of the Catholick Church, it says, that when any Catholick Bishop died, *Meletian* Bishops might succeed in their Room, provided they were worthy, and that the People [h] chose them, and the Bishop of *Alexandria* ratified and confirmed their Choice. Our learned Bishop *Pearson*

[g] Conc. Nic. Can. 4. [h] Conc. Nic. Ep. Synod. ap. Theod. Lib. 1. c. 9. & Socrat. Lib. 1. c. 9. εἰ ἄξιοι φαίνοιντο, καὶ ὁ λαὸς αἱρεῖτο, συνεπιψηφίσοντ' αὐτῷ καὶ ἐπισφραγίζοντος τὸ τῆς Ἀλεξανδρείας ἐπισκόπου.

Pearſon has rightly obſerved, that *Athanaſius* [*i*] himſelf was thus choſen after the *Nicene* Council was ended; which is a certain Argument that the Peoples Right was not abrogated in that Council. The *Euſebian* Party made it an Objection againſt him, that he had not the Choice of the People: But the Biſhops of *Ægypt* aſſembled in Synod, in their Synodical Epiſtle do with great Earneſtneſs maintain the contrary, aſſerting, that the whole Multitude of the People of the Catholick Church [*k*], as if they had been all united in one Soul and Body, cried out, requiring *Athanaſius* to be ordained Biſhop. Whence *Gregory Nazianzen* [*l*] alſo ſays of him, that he was brought to the Throne of St. *Mark*, ψήφῳ τοῦ λαοῦ παντὸς, by the Suffrage of all the People. It were eaſy to add many other Inſtances and Proofs of the like Nature to the Time of the Council of *Chalcedon*, when the People of *Alexandria* ſtill enjoyed their ancient Privilege, as appears from ſeveral Paſſages in *Liberatus*, who ſays of *Proterius* and ſome other of their Biſhops, that they were choſen by the Nobles, and the Decree [*m*] and Voice of all the People: But I ſhall ſay no more

[*i*] Pearſon. Vind. Ignat. Par. 1. c. 11. p. 324. ed. Antwerp. Euſebiani, qui Creationem Athanaſij abrogare voluerunt, defectum Popularis Electionis objiciebant, & Epiſcopi Ægypti, in Synodo congregati, Epiſtola ad omnes Eccleſiæ Catholicæ Epiſcopos ſcripta, contrarium magna animi contentione aſſeruerunt —— Quod neque hi neque illi feciſſent, ſi Populi Suffragia in eligendo Epiſcopo locum nullum habuiſſent. [*k*] Ep. Synod. Concil. Alex. ap. Athan. Apol. 2. T. 2. p. 726. πᾶς ὁ λαὸς —— ἀνεβόων, ἔκραζον, αἰτοῦντες Ἀθανάσιον ἐπίσκοπον. [*l*] Naz. Orat. 21. Tom. 1. p. 377. [*m*] Liberat. Breviar. c. 14. Collecti ſunt Nobiles Civitatis, ut eum qui eſſet vita & ſermone Pontificatu dignus, eligerent —— Noviſſime in Proterium omnium ſententia declinavit. Id. c. 15. Scripſit Imperator Leo Duci Alexandriæ Stilæ, ut pelleret quidem ab Epiſcopatu modis omnibus Timotheum, inthronizaret autem alium Decreto Populi, qui Synodum vindicaret.

more upon this Head, but only alledge Two Canons of the 4th Council of *Carthage*, which comprize the whole Practice of the Church in relation to this Matter; the one decreeing [*n*], that the Ordination of a Biſhop ſhould always be by the Conſent of Four Parties, the Clergy, the Laity, the Provincial Biſhops, and the Metropolitan, whoſe Preſence or Authority was principally neceſſary in all ſuch Caſes. The other Canon [*o*] orders that no Biſhop ſhall ordain any Clergy-men without conſulting with his Clergy, and asking the Conſent, Approbation and Teſtimony of his People. This ſeems to have been the moſt common and ordinary Practice of the Church.

Sect. 12.
Some Exceptions to the general Rule. Firſt, In caſe the greateſt Part of the Church were Hereticks or Schiſmaticks.

But then as all general Rules have their Exceptions, ſo it cannot be denied but that this Rule varied ſometimes, or at leaſt had its Limitations and Reſtrictions: And I ſhall not do juſtice to the Reader, nor the Subject neither, unleſs I mention thoſe alſo. Here therefore we are to obſerve in the firſt Place, that this Rule did not hold when the greateſt Part of any Church were turned Hereticks or Schiſmaticks: For in that Caſe, had Elections been made by the general Suffrage of the People, none but heretical or Schiſmatical Biſhops muſt have been ordained. And therefore in the Time of the great Prevalency of *Arianiſm*, and the long Schiſm of the *Donatiſts*, the Church did not tie her ſelf always to Act preciſely

[*n*] Conc. Carth. 4. c. 1. Cum Conſenſu Clericorum & Laicorum, & conventu totius Provinciæ Epiſcoporum, maximeque Metropolitani vel auctoritate vel præſentia ordinetur Epiſcopus.
[*o*] Ibid. Can. 22. Ut Epiſcopus ſine Conſilio Clericorum ſuorum Clericos non ordinet; ita ut Civium Aſſenſum, & Conniventiam, & Teſtimonium quærat.

ciſely by this Rule. We find it objected by the *Donatiſts* in the Collation of *Carthage* [p], that the Catholicks made Biſhops in many Places where they had no People; that is, no Catholick People, for they were all *Donatiſts*; conſequently thoſe Biſhops were Ordain'd not only without, but againſt the Conſent of the People. And this I take to be the Caſe of thoſe Biſhops mentioned in the 17th and 18th Canons of the Council of *Antioch*; one of which ſays, That if any Biſhop is Ordain'd to preſide over a People, and does not take upon him his Office, and go to the Church to which he is Ordain'd, he ſhall be Excommunicated till he complies, or a provincial Synod determines otherwiſe about him: And the other ſays, If ſuch a Biſhop abſents from his Dioceſe, not by his own Default, but διὰ τὸ τὸν λαὸν παραιτήσον, becauſe the People refuſe to receive him, in that Caſe he ſhall be honoured as a Biſhop, though not admitted to his own Church. Theſe Canons were made at a Time when the *Arian* Faction had raiſed great Commotions in the Church, which probably made ſome Biſhops unwilling to go to their Churches, and others could not be admitted, becauſe the Faction ſtrongly prevailed againſt them: And in both of them it is ſuppoſed the Ordinations were made without asking the Peoples Conſent; of which Practice we have frequent Inſtances in Eccleſiaſtical Hiſtory in Caſes of the ſame Nature.

Sect. 13. 2dly, *In Caſe of ordaining Biſhops to far diſtant Places, or barbarous Nations.*

2*dly*, Another Exception to the Rule was, when Biſhops were to be ordained for very diſtant Countries or barbarous Nations. When *Athanaſius* ordained *Frumentius* Biſhop of the *Indies* at *Alexandria*, as the Hiſtorians

[p] Collat. Carth. 1. c. 182. Petilianus Epiſcopus dixit: Imo crebros ubi habes Epiſcopos, ſane & ſine Populis habes.

Hiſtorians [q] report, no one can imagine that he had the Formal Conſent, though he might have the preſumptive Approbation of all his People. As neither can we ſuppoſe the Biſhop of *Tomi* in *Scythia* to be choſen by his People, when he was the only Biſhop [r] in all that Region, and commonly Ordained at *Conſtantinople*, as by the 28th Canon of the Council of *Chalcedon* the Biſhops of Barbarous Nations were appointed to be.

Sect. 14.
3dly, *In Caſe an Interventor or any other Biſhop intruded himſelf into any See without the Conſent of a Provincial Synod.*

3dly, In Caſe an Interventor, or Viſitor, who was ſent to procure a ſpeedy Election in any Vacant See, got himſelf ſettled in the See, by the Intereſt which he had gain'd in the People during his Adminiſtration; yet he was not allowed to continue in the Poſſeſſion of that See, though he had made never ſo ſtrong a Party among the People, or had the Conſent of them all. As appears from a Canon of the Fifth Council of *Carthage* [s], which is alſo inſerted in the Code of the *African* Church. The Caſe was the ſame with any Vacant Biſhops, ἐπίσκοποι σχολάζοντες, as the Canons call them, who were Ordain'd to ſuch Places as would not receive them: If any of them intruded themſelves into any Vacant Church without the Conſent of the Metropolitan and a Provincial Synod, they were to be rejected, though all the People were unanimous in Chooſing them, as the Council of *Antioch* had decreed in expreſs Terms [t] againſt

[q] Ruffin. Lib. 1. c. 9. Socrat. Lib. 1. c. 19. Theodoret. Lib. 1. c. 23. [r] Sozom. Lib. 7. c. 19. [s] Conc. Carth. 5. c. 8. Placuit, ut nulli Interceſſori licitum ſit, Cathedram cui Interceſſor datus eſt, quibuſlibet Populorum ſtudiis, vel ſeditionibus retinere. Vid. Cod. Can. Eccl. Afr. c. 75.

[t] againſt ſuch Invaders: If, ſay they, a Vacant Biſhop transfers himſelf into a Vacant Church, and ſeizes the Throne by ſtealth, without the Authority of a full Synod of the Province, he ſhall be diſcarded, though all the People upon whom he thruſt himſelf ſhould agree in the Choice of him. The ſame Council has another Canon [u] which prohibits any Biſhop to remove from one Dioceſe to another, either of his own Accord, or by the Compulſion of the People. Which plainly implies, that in all ſuch Caſes no Regard was had to the Choice of the People, when they pretended to Act without the Concurrence of a Provincial Synod.

Sect. 15. *4thly, In Caſe of Factions and Diviſions among the People.*

4thly, When the People were divided in their Choice, and could not unanimouſly agree upon any one; then to prevent farther Diſputes, and the Miſchievous Conſequences of Faction and Diviſion, it was uſual for the Metropolitan and the Synod to chooſe an indifferent Perſon, whom no Party had named, and prefer him before all the Competitors of the People. And this was uſually done with good Succeſs: For the People commonly were aſhamed of their own Choice, and univerſally acquieſced in this. *Sidonius Apollinarius* gives us a famous Inſtance in the Ordination of *John* Biſhop of *Chalons*: A Triumvirate of Competitors, whoſe Characters were not extraordinary, had by different Intereſts drawn

[t] Conc. Antioch. c. 16. εἴ τις ἐπίσκοπος χολάζων ἐπὶ χολαζουσαν ἐκκλησίαν ἑαυτὸν ἐπιῤῥίψας, ὑφαρπάζει τὸν θρόνον ἄνευ συνόδου τελείας: τοῦτον ἀποβλητον εἶναι, κἂν εἰ πᾶς ὁ λαὸς, ὃν ὑφήρπαζεν, ἕλοιτο αὐτόν. [u] Ibid. Can. 21. Ἐπίσκοπον ἀπὸ παροικίας ἐτέρας εἰς ἑτέραν μὴ μεθίστασθαι, μήτε αὐθαιρέτως ἐπιῤῥίπτοντα ἑαυτὸν, μήτε ὑπὸ λαῶν ἐκβιαζόμενον.

drawn the People into three very great Factions; to remedy which, the Metropolitan privately conſulting with his Fellow-Biſhops, but taking none of the People into Council, Ordain'd this *John* to the ſurprize of them all: But as our Author [w] obſerves, it was managed with that Prudence, that though the Advice of the People was not taken, yet the Holy Man was Ordained, to the Aſtoniſhment of the Factious, and Confuſion of the Wicked, with the general Acclamations of the Good, and the Contradictions and Oppoſitions of none. And this was a common Method in Caſe of Incurable Diviſions among the People.

Sect. 16. 5thly, *The Emperours ſometimes interpoſed their Authority to prevent Tumults in the like Caſes.*

5thly, Sometimes the Emperours interpoſed their Authority, and themſelves nominated the Perſon whom they would have to be Ordained Biſhop, when they found by Experience what dangerous Tumults theſe Popular Elections raiſed among the People. Thus it was in the Caſe of *Nectarius* Biſhop of *Conſtantinople*, who was nominated by *Theodoſius* only. For the People were not ſo much as conſulted in the matter, but the Emperour order'd the Biſhops to give him in a Catalogue of fit Perſons, reſerving the Power of Election entirely to himſelf. Nay, when ſome of the Biſhops objected againſt *Nectarius*, that he was but a Catechumen and Unbaptized, the Emperour notwithſtanding perſiſted in his Choice, and the Biſhops complied, and immediately Baptized and Ordained him, as *Sozomen* [x] informs us. *Socrates* takes notice of the

[w] Sidon. Lib. 4. Ep. 25. Strepitu furentis turbæ deſpecto, ſanctum Johannem, Stupentibus Factioſis, erubeſcentibus Malis, acclamantibus Bonis, reclamantibus nullis, Collegam ſibi conſecravere. [x] Sozom. Lib. 7. c. 8.

the ſame Prerogative made uſe of by *Theodoſius Junior* upon the like occaſion, who nominated *Neſtorius* to the See of *Conſtantinople*, διὰ τὰς κενοσπουδίας by reaſon of Factious and Vain-glorious Perſons [y] in the Church. And for the like Reaſon, the ſame Author [z] tells us, upon another Vacancy to prevent Tumults in the Election, he gave his Mandate to the Biſhop to inthrone *Proclus* in the Church. *De Marca* [a] will furniſh the Reader with other Inſtances, and Eccleſiaſtical Hiſtory with more to the ſame purpoſe.

Sect. 17. *6thly, The People ſometimes reſtrained to the Choice of one out of Three, which were nominated by the Biſhops.*

Sometimes again we find the People and Clergy were confined in their Choice to take one out of Three, that were firſt nominated by the Biſhops in Council. Thus it was in *France* in the Time of the 2d Council of *Arles*, *An.* 452. when that Council made an Order about Elections to this purpoſe: That in the Ordination of a Biſhop [b] this Rule ſhould be obſerved, the Biſhops ſhall nominate Three, out of which the Clergy and People ſhall have Power to chuſe one. Other Laws [c] appointed the Clergy and People to nominate Three, and the Metropolitan and Provincial Biſhops to caſt Lots which of the Three ſhould be Ordain'd; which was the Rule of the *Spaniſh* Church in the Time of the Council of *Barcelona*, *An.* 599.

Laſtly,

[y] Socrat. Lib. 7. c. 29. [z] Idem Lib. 7. c. 40. [a] Marca de Concord. Lib. 8. c. 9. n. 8. [b] Conc. Arelat. 2. c. 54. Placuit in Ordinatione Epiſcopi hunc ordinem cuſtodiri, ut Tres ab Epiſcopis nominentur, de quibus Clerici vel Cives erga unum habeant eligendi poteſtatem. [c] Conc. Barcinon. Can. 3.

Sect. 18.
Laſtly, By Juſtinian's *Laws the Elections were confirmed to the* Optimates, *and the Inferior People wholly Excluded.*

Laſtly, We find alſo in *Juſtinian*'s Laws, that a conſiderable Alteration was made in this Affair, whereever thoſe Laws took Place. For thereby the Inferior ſort of the common People were wholly cut off from having any Concern in theſe Elections, which were now confined to the Clergy, and the *Optimates*, or Perſons of better Rank and Quality in every Church. For ſo by two of his Novels [*d*] it is expreſly provided, that when a Biſhop is to be Ordain'd for any City, the Clergy and Chief Men of the City ſhall meet, and nominate three Perſons, drawing up an Inſtrument, and inſerting therein upon their Oath that they choſe them neither for any Gift, nor Promiſe, nor Friendſhip, nor any other Cauſe, but becauſe they know them to be of the true Catholick Faith, and of honeſt Life, and good Learning, *&c.* That out of theſe Three, one that is beſt qualified, may be choſen by the Diſcretion and Judgment of the Ordainer. *De Marca* thinks the Council of *Laodicea* long before made a Canon to the ſame purpoſe, forbidding the Elections of the Clergy to be committed τοῖς ὄχλοις, *Vili Plebeculæ*, as *de Marca* renders it [*e*], that is, to the Common and Inferior

[*d*] Juſtin. Novel. 123. c. 1. Sancimus, quoties opus fuerit Epiſcopum ordinari, Clericos & Primatus Civitatis, cui Epiſcopus ordinandus eſt, mox in tribus Perſonis Decreta facere, propoſitis Sacroſanctis Evangeliis, periculo ſuarum animarum dicentes in ipſis Decretis, quia neque propter aliquam Donationem, neque propter aliquam Promiſſionem, aut Amicitiam, aut aliam quamlibet cauſam; ſed Scientes eos reſtæ & Catholicæ Fidei, & honeſtæ eſſe Vitæ, & Literas noſſe, hos elegerunt —Ut ex tribus illis Perſonis melior ordinetur, Electione & Judicio Ordinantis. *See alſo Novel* 137. c. 2. & Cod. Lib. 1. Tit. 3. de Epiſc. Leg. 42. [*e*] Concil. Laodic. c. 13. Marca de Concord. Lib. 8. c. 6. n. 8.

ſort of People. But it is not certain the Canon intended the Prohibition in that Senſe; or if it did, it was of no force; for the People continued their ancient Practice for ſome Ages after that Council. However upon the whole matter it appears, that this Power of the People did never ſo univerſally obtain, but that it was limitted in ſeveral Caſes by certain Reſtrictions, and varied according to the different State of Times, and Nations.

Sect. 19. *How and when Princes and Patrons came to have the chief Power of Elections.*

At laſt upon the breaking of the Roman Empire, the *Gothick* Kings in *France* and *Spain* were generally Complimented with a ſhare in theſe Elections, and their Conſent was as neceſſary as any other to the Ordination of Biſhops within their Dominions. By which means their Power quickly increaſed into a Prerogative of Nominating ſolely, and all others had little elſe to do but to accept their Nominations. Which the Reader that is Curious in this Matter, may find diſcourſed at large by *de Marca* [*f*] in his Account of the Change that was made in the *French* and *Spaniſh* Churches in after Ages, which it is none of my Buſineſs here farther to purſue. As to the Power of Nomination in inferior Patrons, it is generally agreed by Learned Men [*g*], that it came in upon the Diviſion of Dioceſes into diſtinct Pariſhes, and the Founding of Churches in Country Places. For to give greater Encouragement to ſuch pious and uſeful Works, the Founder of any Church, who ſettled an Endowment upon it, was allow'd to retain the Right of Preſentation to himſelf, to Nominate a fit Clerk to the Biſhop for his Approbation. That which led the

[*f*] Marca de Concord. Lib. 8. c. 9, & 10. [*g*] See Stillingfleet Unreaſ. of Separ. p. 326.

the way to this Practice, was a Decree of the first Council of *Orange*, *An.* 441. wherein this Power and Privilege was first granted to Bishops, that if any Bishop was dispos'd to found a Church in the Territory of another Bishop, the Bishop of the Diocess where the Church was built should Consecrate it; reserving to the Founder [*b*] the Right of Nominating such Clerks as he should desire to have in his own Church, whom the Bishop of the Diocess should Ordain at his Request; or if they were already Ordain'd, he should allow them to continue without any Molestation. And this Canon is repeated in the 2d Council of *Arles* [*i*], in the Editions of *Sirmond* and *Labbe*, though it be wanting in some others. After this by the Laws of *Justinian*, all Founders of Churches, and their Heirs are allowed to nominate their own Clerks, upon the Right of Patronage, to those Churches. If any Man builds an Oratory, says one [*k*] of his Novels, and either he or his Heirs are minded to have Clerks Ordain'd thereto; if they allow Maintenance to them, and they be Worthy Persons, such as they nominate shall be Ordain'd. And the Bishop has no Power to Ordain any other, unless the Persons so nominated be unqualified by the Canons. Another Novel [*l*] allows the Bishop Liberty to Examine them, and Judge of their Qualifications; but if he finds them Worthy,

[*b*] Conc. Arausican. 1. c. 9. Reservata Ædificatori Episcopo hac gratia, ut quos desiderat Clericos in re sua videre, ipsos ordinet is in cujus Civitatis Territorio est; vel si jam ordinati sunt, ipsos habere acquiescat. [*i*] Conc. Arelat. 2. An. 452. Can. 36. [*k*] Novel. 123. c. 18. Si quis Oratorij Domum ædificaverit, & voluerit in ea Clericos ordinare aut ipse, aut ejus Hæredes: Si expensas ipsis Clericis ministrant, & dignos denominant, denominatos ordinari. Si vero qui ab eis eliguntur, tanquam indignos prohibent sacræ Regulæ ordinari, tunc Episcopus quoscunque putaverit meliores, ordinari procuret. [*l*] Novel. 57. c. 2.

he is oblig'd to Ordain them, having in that Caſe no Power to refuſe them. They who would ſee more of this Matter, may conſult our Learned Biſhop *Stillingfleet*, who gives an Account [*m*] of the Progreſs of it in future Ages; which being foreign to my Subject, I return to the Buſineſs of Elections in the ancient Church, and proceed to give an Account of the ſeveral Qualifications that were neceſſarily required in Perſons to be Elected and Ordain'd to any Office or Dignity in the Church.

[*m*] Sillingfl. Unreaſonableneſs of Separation, Par. 3. p. 327.

CHAP. III.

Of the Examination and Qualifications of Perſons to be ordained to any Office of the Clergy in the Primitive Church. And firſt of their Faith and Morals.

Sect. 1.

Three Enquiries made about Perſons to be Ordain'd, reſpecting, 1ſt, *Their Faith,* 2dly, *Their Morals,* 3dly, *Their Outward Quality and Condition.*

BEfore any Perſon could Regularly be Elected or Ordained to any Clerical Office in the Church, the Electors and Ordainers were obliged to make ſeveral Enquiries concerning him, which I think may be reduced to theſe Three Heads: The Examination of his Faith, his Morals, and his Outward State and Condition in the World. The two firſt of theſe they were moſt ſtrict in Canvaſſing and Examining, becauſe they were more Eſſential and Neceſſary to the Miniſtry: But the Third they did not omit, becauſe the peculiar State of thoſe Times did more eſpecially require it. For then Men were

were tied by the Laws of the Empire to bear the Offices of the State, according to their Quality and Subſtance, and thoſe Offices were commonly inconſiſtent with the Offices of the Church: Which made it neceſſary to enquire, before Men were ordained, whether they were under any Obligation to the State, or obnoxious to any diſtinct Power, for fear the Church ſhould ſeem to incroach upon other Mens Rights, or bring Trouble upon herſelf, by having her Clergy recalled to a ſecular Life again.

Sect. 2. *The Rule and Method of examining their Faith and Learning.*

The Tryal of their Faith and Orthodoxy, under which I alſo comprehend their Learning, was made Three ways; partly by obliging the Electors to give in their publick Teſtimony of them; partly by obliging the Perſons elected to anſwer to certain Interrogatories, or Queſtions of Doctrine that were put to them; and partly by making them ſubſcribe a Body of Articles, or Confeſſion of Faith at the Time of their Ordination. By a Law of *Juſtinian's* [a] the Electors themſelves were to declare upon Oath in the Inſtrument or Decree of Election, if it were a Biſhop that was choſen, that they knew him to be a Man of the true Catholick Faith, and of good Life and Converſation, *&c.* And by the ſame Law the Biſhop to be ordained

[a] Juſtin. Novel. 137. n. 2. Quemque ipſorum jurare ſecundum Divina Eloquia, & ipſis Pſephiſmatibus inſcribi——Quod ſcientes ipſos rectæ & Catholicæ Fidei & honeſtæ vitæ, ipſos elegerint. Ibid. Exigi etiam ante omnia ab eo qui ordinandus eſt, Libellum ejus propria ſubſcriptione complectentem quæ ad rectam ejus Fidem pertinent. Enunciari etiam ab ipſo & ſanctam Oblationis Formulam, quæ in ſancta Communione fit, & eam quæ fit in Baptiſmate Precationem, & reliquas Deprecationes.

was required to give in a Libel, or Form of Confeſſion of his Faith, ſubſcribed with his own Hand, and to repeat the Form of Prayer uſed at the Oblation of the Holy *Euchariſt*, and at Baptiſm, with the other Prayers of the Church. Which was an Intimation that he allowed and approved the Liturgy or publick Service of the Church. The 4th Council of *Carthage* preſcribes a particular Form of Examination by way of Interrogatories to the Biſhop who was to be Ordained, which is too long to be here inſerted; but it conſiſts chiefly of ſuch Queſtions as relate to the Articles of the Creed, and Doctrines levell'd againſt the moſt noted Hereſies [*b*], that either then were, or lately had been predominant in the Church. Orders alſo are there given to examine, whether the Candidate be well inſtructed in the Law of God, and able to expound the Senſe of Scripture, and be throughly exerciſed in the Doctrines of the Church. By which we may judge what due Precaution was then taken to admit none but Perſons rightly qualified, as to their Faith, to the chief Adminiſtrations of the Church.

Sect. 3. *The irregular Ordination of* Syneſius *conſidered.*

Upon which Conſideration it has ſeemed very difficult to ſome Learned Men, to account for the Practice and Conduct of *Theophilus* of *Alexandria*, in Ordaining *Syneſius*, at the ſame time that he profeſſed he could not yet believe the Doctrine of the Reſurrection, and ſome other Articles of the Chriſtian Faith. *Baronius* [*c*] and *Habertus* [*d*], and our Learned Biſhop *Taylor* [*e*] reckon he only diſſembled, and uſed this Stratagem to avoid being Ordained. But had

[*b*] Conc. Carth. 4. c. 1. [*c*] Baron. an. 410. Tom. 5. p. 315. [*d*] Habert Archieratic. p. 500. [*e*] Taylor Duct. Dubit. Book 3. c. 2. p. 495.

had this been the Caſe, it had ſtill been a juſt Canonical Exception againſt him: For the Canons [*f*] forbid the Ordination of any one, who accuſes himſelf as guilty of any heinous Crime, whether his Accuſation be true or falſe: For he proves himſelf guilty either by confeſſing a Truth, or at leaſt by telling a Lie about it. But indeed the Caſe of *Syneſius* was no feigned Caſe, for he ſpake the real Senſe of his Soul; as appears not only from what the Hiſtorian [*g*] ſays of it, but from the Account which he himſelf gives in one of his Epiſtles [*h*] to his Brother *Euoptius*: You know, ſays he, that Philoſophy teaches the contrary to many of thoſe generally-receiv'd Doctrines. Therefore I cannot perſwade my ſelf, that the Soul is *Poſtnate* to the Body; I cannot ſay that the World and all its Parts ſhall be diſſolved; I look upon the Reſurrection to be ἀπόῤῥητον τι καὶ ἄῤῥητον, a ſort of myſtical and ineffable thing, and am far from aſſenting to the vulgar Opinions about it—— And now being called to the Prieſthood, I would not diſſemble theſe things, but teſtify them both before God and Man. This Aſſeveration ſeems too ſolemn and ſerious, to be the Speech of one who was only acting a Part, and diſſembling his Opinion; and therefore 'tis more probable that he was in earneſt, as *Lucas Holſtenius* [*i*] more fully ſhews in a peculiar Diſſertation upon this Subject againſt *Baronius*. *Valeſius*, to vindicate

[*f*] Conc. Valentin. c. 4. Quicunque ſub ordinatione vel Diaconatus, vel Presbyterij, vel Epiſcopatus, mortali crimine ſe dixerint eſſe pollutos, à ſupradictis ordinationibus eſſe ſubmovendos, reos ſcilicet vel veri Confeſſione, vel Mendacio falſitatis. [*g*] Evagr. Lib. 1. c. 15. οὔπω τὸν λόγον τῆς ἀναςάσεως παραδεχόμενον, &c. [*h*] Syneſ. Ep. 105. p. 397. [*i*] Holſten. Diſſert. 3. de Syneſio, ap. Valeſ. Not. in Theodor. p. 203.

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Theophilus, ſays [*k*] *Syneſius* altered his Opinions before he was ordained: But that is more than can be proved. The beſt Account of the thing is that which is given by *Holſtenius*, that it was the Man's admirable Vertues, and excellent Qualifications in other Reſpects, and a great Want of fit Men in thoſe difficult Times, that encouraged *Theophilus* to ordain him, in hopes that God would enlighten his Mind, and not ſuffer ſo excellent a Perſon long to labour under ſuch Errours in Religion. But the faireſt Colours that can be put upon it, will hardly juſtify a Fact ſo contrary to the Rules of the Church. The Inſtance was ſingular, and never made a Precedent, or drawn into Imitation; the general Practice of the Church being, as has been ſhewed, to examine Mens Orthodoxy, and require their Aſſent and Subſcriptions to the Rule of Faith before their Ordination.

Sect. 4.
A ſtrict Enquiry made into the Morals of ſuch as were to be ordained.

Their next Enquiry was into the Morals of the Perſon to be ordained. And here the Examination was very ſtrict and accurate: For then the Cuſtom was generally to ordain ſuch only as were known to all the People, and of whoſe Life and Character they were ſatisfied, and could bear Teſtimony to them. The Biſhops and Presbyters who preſide over us, ſays [*l*] *Tertullian*, are advanced to that Honour only by publick Teſtimony. The Law is, ſays [*m*] *Cyprian*, to chuſe Biſhops in the Preſence of the People, who have a perfect Knowledge

[*k*] Valeſ. Not. in Evagr. Lib. 1. c. 15. It. Petav. Vit. Syneſ. p. 4. [*l*] Tertul. Apol. c. 39. Præſident apud nos probati quique Seniores, Honorem iſtum non Pretio, ſed Teſtimonio adepti. [*m*] Cypr. Ep. 68. al. 67. p. 172. Epiſcopus deligatur Plebe præſente, quæ ſingulorum vitam pleniſſime novit, & uniuſcujuſque actum de ejus converſatione perſpexit.

ledge of every Man's Life, and are acquainted with the Tenour of their Actions by their Converſation.

Sect. 5. *For which Reaſon no Stranger to be ordained in a foreign Church.*

Upon which Account the Laws forbad the Ordination of Strangers in any Church to which they did not belong. *Optatus* makes it an Objection againſt the Donatiſts, that in the *Roman* See they never had a Biſhop who was a Citizen of *Rome*, but ſtill their Succeſſion in that City [*n*] was ſupplied by *Africans* and Strangers. Whereas on the contrary he challenges [*o*] them to ſhew, whenever the Church at any time brought a *French* Man or a *Spaniard* into *Africk*, and ordained a Stranger to a People that knew nothing of him. In the Civil Law we have a Conſtitution of *Honorius* the Emperour [*p*] to this Purpoſe, That no Clerks ſhould be ordained out of any other Poſſeſſion or Village, but only that where their Church was. Or if any thinks that Decree was made rather for Reaſons of State, he may read the ſame in the Canons of the Church: As in the Council of *Eliberis*, which [*q*] decrees, that no Stranger baptized in a foreign Country, ſhould be ordained out of the Province where he was baptized, becauſe his Life and Converſation could not be known. And this Rule

[*n*] Optat. Lib. 2. p. 48. Quid eſt hoc, quod Pars veſtra in Urbe Roma Epiſcopum Civem habere non potuit? Quid eſt quod toti Afri & Peregrini in illa Civitate ſibi ſucceſſiſſe noſcuntur. [*o*] Ibid. p. 51. Nunquid nos adduximus Hiſpanum aut Gallum? Aut nos ordinavimus ignorantibus Peregrinum? [*p*] Cod. Th. Lib. 16. Tit. 2. de Epiſc. Leg. 33. Clerici non ex alia Poſſeſſione vel Vico, ſed ex eo ubi Eccleſiam eſſe conſtiterit, ordinentur. [*q*] Conc. Eliber. c. 24. Omnes qui peregre fuerint baptizati, eo quod eorum minime ſit cognita vita, placuit, ad Clerum non eſſe promovendos in alienis Provinciis.

Rule was generlly obſerved, except in ſome extraordinary Caſes, when either publick Fame had made a Man eminent and noted over all the World; or there were ſome particular Reaſons for going againſt the Rule, of which I have given an Account in another Place. See *Book* 2. *c.* 10. *Sect.* 3.

Sect. 6. *Nor any one who had done publick Penance in the Church.*

The Strictneſs of this Examination, as to Mens Morals, will appear farther from this, that the Commiſſion of any Scandalous Crime, for which a Man was obliged to do Penance in the Church, did for ever after, according to the Rules and Diſcipline of thoſe Times, render that Perſon irregular and uncapable of Holy Orders. For though they granted Pardon and Abſolution and Lay-Communion to all Offenders that ſubmitted to the Diſcipline of publick Penance; yet they thought it not proper to admit ſuch to Clerical Dignities, but excluded them from the Orders and Promotions of the Church. At leaſt it was thus in moſt of the Weſtern Churches in the 4th and 5th Centuries, as appears from the *Latin* Writers of thoſe Ages. The Epiſtles of *Siricius* and *Innocent*, ſhew it to have been the Practice of the *Roman* Church in their Time. For *Siricius* [r] ſays, no Layman after publick Penance and Reconciliation was to be admitted to the Honour of the Clergy: Becauſe though they were cleanſed from the Contagion of all their Sins, yet they ought not to touch the Inſtruments of the Sanctuary, who themſelves before had been the Inſtruments and Veſſels of Sin. The Letters of *Innocent*

[r] Siric. Ep. 1. ad Himer. Tarracon. c. 14. Poſt pœnitudinem & Reconciliationem nulli unquam Laico liceat honorem Clericatus adiſpiſci; Quia quamvis ſint omnium peccatorum contagione mundati, nulla tamen debent gerendorum Sacramentorum Inſtrumenta ſuſcipere, qui dudum fuerint Vaſa vitiorum.

nocent [*s*] are to the ſame purpoſe. And ſo for the *French* Churches we have the Teſtimony of *Gennadius* [*t*] and the 2d Council [*u*] of *Arles*, and *Agde* [*w*]. And for the *Spaniſh* Churches a Canon of the 1ſt Council [*x*] of *Toledo*, which allows not Penitents to be Ordain'd, except in Caſe of Neceſſity, and then only to the Offices of the Inferior Orders, Door-keepers and Readers. The Practice of the *African* Churches is evident from the 4th Council of *Carthage*, which Decrees [*y*] that no Penitent ſhould be Ordained, though he was a good Man at the preſent. And if any ſuch was Ordained by the Biſhop's Ignorance, not knowing his Character, he ſhould be depoſed, becauſe he did not declare that he had been a Penitent at the Time of his Ordination. By this we may underſtand what *Optatus* means, when ſpeaking of the Donatiſts, who made ſome of the Catholick Children do publick Penance in the Church, he ſays they thereby gave them a Wound, which was intended [*z*] to cut them off from the Benefit of Ordination; plainly referring to this Rule in the Church, that he who had done publick Penance, was thereby made incapable of Ordination. Which ſeems alſo to be St. *Auſtin*'s Meaning, when ſpeaking of a Chriſtian Aſtrologer, who had done Penance

[*s*] Innoc. Ep. 22. c. 3. Ubi Pœnitentiæ remedium neceſſarium eſt, illic Ordinationis honorem locum habere non poſſe. [*t*] Gennad. de Eccl. Dogm. c. 73. [*u*] Conc. Arelat. 2. c. 25. [*w*] Conc. Agath. c. 43. De Pœnitentibus nullus Clericus ordinetur. [*x*] Conc. Tolet. 1. c. 2. Pœnitentes non admittantur ad Clerum, niſi tantum neceſſitas aut uſus exegerit, & tunc inter Oſtiarios deputentur, vel inter Lectores. [*y*] Conc. Carth. 4. c. 68. Ex Pœnitentibus (quamvis ſit bonus) Clericus non ordinetur. Si per ignorantiam Epiſcopi factum fuerit, deponatur à Clero, quia ſe Ordinationis tempore non prodidit fuiſſe Pœnitentem. [*z*] Optat. Lib. 2. p. 59. Inveniſtis pueros, de Pœnitentia ſauciaſtis, ne aliqui ordinari potuiſſent.

nance for his Fault, he ſays, his Converſion perhaps [*a*] might make ſome think he intended to get an Office among the Clergy of the Church: But no, ſays he, he is a Penitent; he ſeeks nothing more but only a Pardon and Abſolution; meaning that a Perſon in his Circumſtances could not pretend to ſue for Orders by the Rules and Canons of the Church. But we are to note, that this is always to be underſtood of publick Penance, not of private: For the Council of *Girone* or *Gerunda* in *Catalonia* expreſly makes this Diſtinction [*b*] between publick Penance in the Church, and private Penance in time of Sickneſs; making the one to incapacitate Men from taking Orders, but not the other. And in all other Canons, where this Diſtinction is not expreſſed, it is always to be underſtood: For it was only that Penance which left ſome publick Mark of Diſgrace upon Men, which unqualified them for the Orders of the Church. But this Rule might be diſpenſed with in extraordinary Caſes, and there are ſome learned Men who think it was not ſo generally inſiſted on in the Three firſt Ages of the Church.

As

[*a*] Aug. Append. Enarrat. Pſal. 61. Poſſet videri, quia ſic converſus eſt, Clericatum quærere in Eccleſia. Pœnitens eſt: Non quærit niſi ſolam Miſericordiam. Vid. Aug. Ep. 50. ad Bonifac. p. 87. [*b*] Conc. Gerundenſ. an. 517. c. 9. Qui ægritudinis languore depreſſus, Pœnitentiæ Benedictionem, quam Viaticum deputamus, per Communionem acceperit; & poſtmodum reconvaleſcens caput Pœnitentiæ in Eccleſia publicè non ſubdiderit; ſi prohibitis vitiis non detinetur obnoxius, admittatur ad Clerum.

Sect. 7.
No Murderer to be ordained, nor Adulterer, nor one that had lapsed in time of Persecution.

As to particular Crimes, there were a great many that unqualified Men, whether they had done publick Penance for them or not; such as the Three great Crimes of Murder, Adultery, and lapsing in time of Persecution. The Council of *Toledo* [c] sets Murder in the Front of those Sins which exclude Men from Holy Orders. The Crime of Fornication and Adultery is noted upon the same Account by those called the Apostolical Canons [d], the Council of *Neo-Cæsarea* [e], the Council of *Nice* [f], *Eliberis* [g], and several others. Nay, the Council of *Neo-Cæsarea* goes a little farther, and decrees [h] that if any Man's Wife committed Adultery whilst he was a Layman, he should not be admitted to any Ecclesiastical Function: Or if she committed Adultery when he was in Office, he must give her a Bill of Divorce and put her away; otherwise be degraded from his Office. As to the Crime of lapsing and sacrificing in time of Persecution, *Origen* [i] assures us it was the Custom of the Church in his Time to exclude such as were guilty of it from all Ecclesiastical Power and Government. And *Athanasius* [k] says the same, that they were allowed the Privilege of Repentance, but not to have any Place among the Clergy. Or if any were ignorantly ordained, they were to be deposed assoon as they were discovered by a Rule [l] of the great Council of *Nice*. Which was no new Rule, but the ancient Rule of the whole Catholick Church:

[c] Conc. Tolet. 1. Can. 2. [d] Canon. Apost. c. 61. [e] Conc. Neo-Cæs. c. 9, & 10. [f] Conc. Nic. c. 2. [g] Conc. Eliber. c. 10. [h] Conc. Neo-Cæs. c. 8. [i] Origen. cont. Cels. Lib. 3. p. 143. [k] Athan. Ep. ad Ruffin. Tom. 2. p. 41. [l] Conc. Nic. c. 10.

Church: For *Cyprian* [*m*] ſays it was agreed upon at *Rome* and in *Africk*, and by the Biſhops of the whole World, that ſuch Men might be admitted to Repentance; but ſhould be kept back from the Ordinations of the Clergy, and the Honour of the Prieſthood. Upon this Account the *Arians* themſelves, though they were not much given to act by Rules, ſometimes thought fit to deny Men Ordination; as *Athanaſius* [*n*] and *Socrates* [*o*] ſay they did by *Aſterius* the Sophiſt, whom they would not Ordain, becauſe he had Sacrificed in Time of Perſecution. But they were far from being conſtant to this Rule; for if *Philoſtorgius* [*p*] ſays true, the Leading Biſhops of the *Arian* Party, *Euſebius* of *Nicomedia*, *Maris* of *Chalcedon*, *Theognis* of *Nice*, *Leontius* of *Antioch*, *Antonius* of *Tarſus*, *Menophantus* of *Epheſus*, *Numenius*, *Eudoxius*, *Alexander* and *Aſterius* of *Cappadocia*, all Sacrificed in the *Diocletian* Perſecution. But then it muſt be owned, that ſome of theſe were ordained Biſhops in the Church before the *Arian* Hereſy began to appear: Whence we muſt conclude, that either the Biſhops who Ordained them, knew nothing of their Lapſing; or elſe that the Church her ſelf ſometimes granted Diſpenſations in this Caſe alſo. *Baronius* [*q*] and ſome others lay it to the Charge of *Euſebius* the Hiſtorian, that he Sacrificed in Time of Perſecution: *Petavius* [*r*], and *Huetius* [*s*], and Mr. *Pagi* [*t*] bring the ſame Charge againſt *Origen* out of

[*m*] Cypr. Ep. 68. al. 67. p. 174. Cum jampridem nobiſcum, & cum omnibus omnino Epiſcopis in toto mundo conſtitutis, etiam Cornelius Collega noſter——decreverit, ejuſmodi homines ad pœnitentiam quidem agendam poſſe admitti; ab ordinatione autem Cleri, atque Sacerdotali honore prohiberi. [*n*] Athan. de Synod. Arim. & Seleuc. Tom. 1. p. 887. [*o*] Socrat. Lib. 1. c. 36. [*p*] Philoſtorg. Lib. 2. c. 14. [*q*] Baron. ad An. 335. n. 8. [*r*] Petav. Animadverſ. in Epiphan. Hær. 64. n. 2. [*s*] Huet. Origenian. Lib. 1. c. 4. [*t*] Pagi Critic. in Baron. An. 251. n. 6.

of *Epiphanius*, the firſt Reporter of the Story: Whilſt *Valeſius* [*u*] and *du Pin* [*w*] undertake to vindicate the Reputation of *Origen* from ſo foul an Aſperſion; And *Hanckius* [*x*] and Dr. *Cave* [*y*] do the ſame for *Euſebius*. I will not interpoſe in theſe Controverſies, but only obſerve, that if the Accuſations brought againſt thoſe two Perſons were true, the Conſequence muſt be, either that Perſons who had lapſed might be Ordained, or at leaſt continue in their Orders undepoſed, when the Church ſaw fit to diſpenſe with her Ordinary Rule; which probably was not ſo ſtrict, but that it might admit of ſome Relaxation, when proper Occaſions and Caſes Extraordinary ſeem'd to require it.

Sect. 8. *No Uſurer, or Seditious Perſon.*

Another Crime which unqualified Men for Orders in thoſe Times was Sedition or Rebellion: For he that ſtood Convicted of Treaſonable Practices was never to be Ordained. This appears from the 4th Council [*z*] of *Carthage*, which joyns the Seditious and Uſurers together, and excludes them both from Ordination. As to the Crime of Uſury, I ſhall not here ſtand to explain the Nature of it, which will be done in a more convenient place [*], but only obſerve, that this Crime in the Senſe in which the Ancients condemned it, was of ſuch an odious and Scandalous Nature, as to debar Men that had been guilty of it from the Honour and Privilege of Ordination. Whence *Gennadius* ſpeaking of the Practice of the *Latin* Church, and the Qualifications required in Perſons to be Ordained, ſays, they muſt not be Men convicted

[*u*] Valeſ. Not. in Euſeb. Lib. 6. c. 39. [*w*] Du Pin Bibliotheque Tom. 1. p. 444. [*x*] Hanckius de Scriptor. Byzantin. Par. 1. c. 1. n. 158. [*y*] Cave Hiſt. Liter. Vol. 1. p. 128. [*z*] Conc. Carth. 4. c. 67. Seditionarios nunquam ordinandos Clericos, ſicut nec Uſurarios. [*] *Book 6.*

convicted of taking Uſury [*a*]. In the *Greek* Church, at leaſt in the Province of *Cappadocia*, the Rule ſeems not to have been altogether ſo ſtrict: For St. *Baſil*'s Canons [*b*] do not abſolutely exclude ſuch from the Miniſtry, but allow them to be ordained, provided they firſt gave away to the Poor what they had gained by Uſury, and promiſed not to exerciſe it for the future.

Sect. 9. *Nor one who had voluntarily diſmember'd his own Body.*

Another Crime which made a Man irregular, and debarred him from the Privilege of Ordination, was the disfiguring or diſmembering of his own Body. If any Man indeed happened to be born an Eunuch, there was no Law againſt his Ordination: For *Euſebius* [*c*] ſays, *Dorotheus* Presbyter of *Antioch* was an Eunuch from his Mother's Womb; and *Socrates* [*d*] and *Sozomen* ſay of *Tigris* Presbyter of *Conſtantinople*, that he was made an Eunuch by a Barbarian Maſter. Or if a Man had ſuffered the Loſs of any Member by the Cruelty of the Perſecutors; as many Confeſſors in the *Diocletian* Perſecution had their right Eyes bored out, and their left Legs infeebled; in that Caſe there was no Prohibition of their Ordination, except they were utterly incapacitated from doing the Office of Miniſters, by being made blind, or deaf, or dumb; for ſo thoſe called the Apoſtolical Canons [*e*] determined: A Man that hath loſt his Eye, or is maimed in his Leg, may be ordained Biſhop, if he be otherwiſe worthy; for it is not any Imperfection of Body that defiles a Man, but the Pollution of his Soul. Yet if

[*a*] Gennad. de Eccleſ. Dogm. c. 73. Neque illum qui Uſuras accepiſſe convincitur. [*b*] Baſil. Can. 14. ap. Bevereg. Pandect. Tom. 2. [*c*] Euſeb. Lib. 7. c. 32. [*d*] Socrat. Lib. 6. c. 15. Sozom. Lib. 8. c. 24. [*e*] Canon. Apoſt. c. 76, & 77.

f a Man is Deaf or Blind, he ſhall not be made Biſhop; not becauſe he is polluted, but becauſe he will not be able to perform the Duties of his Function. The Council of *Nice* adds a 3d Caſe, n which it was lawful to Ordain diſmembred Perſons, which was when in Caſe of a mortal Diſtemper the Phyſicians thought it neceſſary to cut off one Limb of the Body to ſave the whole. All theſe were excepted Caſes, and the Prohibition of the Canons did not extend to them: But the Crime was when any one diſmembred himſelf in Health, as the *Nicene* Canon [*f*] words it; ſuch an one was not to be Ordain'd, or if he was Ordain'd when he committed the Fact, he was to be depos'd. The Apoſtolical Canons [*g*] give this Reaſon for it, becauſe ſuch an one is in effect a Self-Murderer, and an Enemy of the Workmanſhip of God. Nor was it any Excuſe in this Caſe, that a Man made himſelf an Eunuch out of a pretended Piety, or to avoid Fornication. For ſuch were liable to the Penalty of the Canon as well as any others; which is noted by *Gennadius* [*h*] and the Council [*i*] of *Arles*. And indeed the firſt Reaſon of making the Canon was to prevent that Miſtaken Notion of Piety, which had once poſſeſſed *Origen* [*k*], who taking thoſe words of our Saviour, *There are ſome that make themſelves Eunuchs for the Kingdom of Heaven's ſake*, in a wrong Senſe, fulfilled them Literally upon himſelf. And the *Valeſian* Hereticks carried the Matter a little farther, aſſerting, that Men ought to ſerve God after that Manner; and therefore they both made themſelves Eunuchs,

[*f*] Conc. Nic. c. 1. [*g*] Canon Apoſt. c. 21. [*h*] Gennad. de Eccleſ. Dogm. c. 73. [*i*] Conc. Arelat. 2. c. 7. Si qui ſe, carnali vitio repugnare neſcientes, abſcindunt, ad Clerum pervenire non poſſunt. [*k*] Vid. Euſeb. Lib. 6. c. 8. Epiphan. Hær. 64. n. 3.

and all that came over to them, as St. *Auſtin* [*l*] informs us. It was to correct and diſcountenance theſe erroneous Opinions and Practices that the Church at firſt made this Rule; which was ſo nicely obſerved, that we ſcarce meet with Two Inſtances to the contrary in after Ages. *Leontius* made himſelf an Eunuch, to avoid Suſpicion in his Converſe with the Virgin *Euſtolium*; but he was depoſed from the Office of Presbyter for the Fact, and it gave Occaſion to the Council of *Nice* to renew the ancient Canon againſt ſuch Practices; ſo that when the *Arians* afterward ordained him Biſhop of *Antioch*, the Hiſtorians [*m*] tell us, the Catholicks generally declaimed againſt his Ordination as uncanonical. The only Inſtance that looks like a Diſpenſation with this Rule, is what we have in *Baronius* concerning *Timotheus* Biſhop of *Alexandria* his ordaining *Ammon* the *Egyptian* Monk, who to avoid being ordained had cut off his own right Ear to make himſelf irregular; notwithſtanding which, *Baronius* [*n*] ſays, *Timotheus* ordained him, and juſtified what he did with this Expreſſion, That this Law indeed was obſerved by the *Jews*; but for his own Part, if they brought to him a Man without a Noſe that was but of good Morals, he would ordain him Biſhop. But there is ſome Reaſon to queſtion the Truth of this Narration; for not only *Palladius*, whom *Baronius* cites, but *Socrates* [*o*] and *Sozomen* in telling the Story, ſeem rather to intimate that he was not ordained. However ſuppoſing it to be true, it is a ſingular Inſtance, and we ſhall hardly find ſuch another in all

[*l*] Aug. de Hæreſ. c. 37. Valeſij & ſeipſos caſtrant, & hoſpites ſuos, hoc modo exiſtimantes Deo ſe debere ſervire. [*m*] Socrat. Lib. 2. c. 26. Theodor. Lib. 2. c. 24. [*n*] Baron. an 385. p. 513. [*o*] Socrat. Lib. 4. c. 23. Sozom. Lib. 7. c. 30. Pallad. Hiſt. Lauſiac. c. 12.

ll the Hiſtory of the Church. Which ſhews how autious the Ancients were in obſerving this Rule, hat they might not bring any Diſrepute or Scandal pon the Church.

Sect. 10. *Men only accountable for Crimes committed after Baptiſm, as to what concerned Ordination.*

But in all theſe and the like Caſes there is one thing particularly o be obſerved, That the Crimes which made Men irregular, were enerally underſtood to be ſuch nly as were committed after Baptiſm. For all Crimes committed before Baptiſm were ſuppoſed to be ſo purged away in the Waters f Baptiſm, as that a perfect Amneſty paſſed upon hem, and Men notwithſtanding them were capable f Ordination. So that not only the Crimes which Men committed whilſt they were Heathens, but uch as they fell into when they were Catechumens, were overlooked in this Enquiry, when their Morals came to be examined for Ordination. This is vident not only from the known Caſe of St. *Auſtin*, whoſe Faults were never objected to him at his Ordination, becauſe they were only ſuch as preceded his Baptiſm; but alſo from the Rule made in the Council of *Ancyra*, in the Caſe of ſuch as lapſed nto Idolatry whilſt they were only Catechumens. For the Canon [p] ſays, That ſuch as ſacrificed before Baptiſm, and were afterward baptized, might be promoted to Eccleſiaſtical Dignities, as Perſons that were cleanſed from all Crimes by the Sanctification of Baptiſm. 'Tis true, only that one Crime of ſacrificing is here ſpecified; but by Parity of Reaſon the Rule muſt be underſtood to extend to all other Caſes of the like Nature: And ſo the Practice of the Church has commonly determined it.

[p] Conc. Ancyr. c. 12.

Sect. 11.
Except any great Irregularity happen'd in their Baptiſm it ſelf. As in the Caſe of Clinick Baptiſm.

Yet here again we muſt obſerve, that if any great Irregularity happen'd in Men's Baptiſm it ſelf, ſuch Crimes were always objected againſt them, to debar them from Ordination. Thus it was frequently with thoſe who were Baptized only with Clinick Baptiſm, in Time of Sickneſs or urgent Neceſſity, when they had careleſly deferred their Baptiſm to ſuch a Critical Moment, and might have had it ſooner had it not been their own Default. This delaying of Baptiſm was always eſteemed a very great Crime, and worthy of ſome Eccleſiaſtical Cenſure: And therefore the Church among other Methods which ſhe took to diſcountenance the Practice of it, thought fit to puniſh Perſons who had been guilty of it, and had put themſelves upon the Fatal neceſſity of a Clinick Baptiſm, by denying them Ordination. We have a Canon in the Council of *Neo-Cæſarea* [q] to this purpoſe: If any Man is Baptized only in Time of Sickneſs, he ſhall not be Ordain'd a Presbyter; becauſe his Faith was not Voluntary, but as it were of Conſtraint; except his ſubſequent Faith and Diligence recommend him, or elſe the ſcarcity of Men make it neceſſary to Ordain him. And that this was an old Rule of the Church, appears from the account which *Cornelius* [r] gives of the Ordination of *Novatian* to be Presbyter. He ſays the Clergy and many of the People objected againſt it, alledging, that it was not Lawful to Ordain one who had been Baptized upon his Bed in Time of Sickneſs; and that the Biſhop was forced to intercede with them, to give way to his Ordination, as a matter of Grace and Favour. Which ſhews, that the Ordination of ſuch was

[q] Conc. Neo-Cæſ. c. 12. [r] Ap. Euſeb. Lib. 6. c. 43.

was contrary to the common Rule and Practice of the Church.

Sect. 12. *And Heretical Baptiſm.*

In like manner they who were Baptized by Hereticks, were not ordinarily allow'd Clerical Promotion when they return'd to the Boſom of the Catholick Church. The Council of *Eliberis* is very peremptory [*s*] in its Decree, That whatever Hereſy they came from, they ſhould not be Ordained; or if any ſuch were already Ordained, they ſhould be undoubtedly degraded. Pope *Innocent* [*t*] Teſtifies for the ſame Practice in the *Roman* Church, ſaying, It is the Cuſtom of our Church, to grant only Lay-Communion to thoſe that return from Hereticks, by whom they were Baptized, and not to admit any of them to the very loweſt Order of the Clergy. But it muſt be confeſt, that the Council of *Nice* diſpenſed with the *Novatians* [*u*] in this reſpect, allowing their Clergy, though both Baptized and Ordained among them, to be receiv'd with Impoſition of Hands, and retain their Orders in the Church. And the *African* Fathers granted the ſame Indulgence to the Donatiſts to encourage them to return to the Unity of the Catholick Church. For in the Council of *Carthage*, *An.* 397. which is inſerted into the *African* [*w*] *Code*, a Propoſal was made, that ſuch as had been Baptized among the Donatiſts in their Infancy, by

[*s*] Conc. Eliber. c. 51. Ex omni Hæreſi qui ad nos Fidelis venerit, minime eſt ad Clerum promovendus. Vel ſi qui ſunt a præteritum ordinati, ſine dubio deponentur. [*t*] Innoc. p. 22. Noſtræ Lex Eccleſiæ eſt, venientibus ab Hæreticis, ui tamen illic baptizati ſunt, per manus Impoſitionem Laiam tantum tribuere Communionem, nec ex his aliquem in lericatûs honorem vel exiguum ſubrogare. [*u*] Conc. Nic. c. 8. χειροθετημένους αὐτοὺς μένειν οὕτως ἐν τῷ κλήρῳ. [*w*] Cod. Can. Afric. c. 48. al. 47.

their Parents Fault, without their own Knowledge and Consent, ſhould upon their return to the Church be allowed the Privilege of Ordination: And in the next Council [x] the Propoſal was accepted, and a Decree paſt accordingly in favour of them. By which we may underſtand, that this was a Piece of Diſcipline that might be inſiſted on or waved, according as Church-Governours in Prudence thought moſt for the Benefit and Advantage of the Church. But in caſe the Perſons ſo returning had been baptized by ſuch Hereticks whoſe Baptiſm was null, and to be reiterated in the Church, as the Baptiſm of the *Paulianiſts* or *Samoſatenian* Hereticks was; in that Caſe it was determined by the great Council of *Nice*, that ſuch Perſons when they were rebaptized, might be [y] ordained. For Baptiſm, as has been noted before, ſet Men clear of all Crimes: And their former Baptiſm being null, that was reckoned their only Baptiſm which they received at their Return to the Catholick Church; and no Crimes committed before that were then to prejudice their Ordination in the Church.

Sect. 13.
No Man to be ordained, who had not made all his Family Catholick Chriſtians.

I cannot here omit to mention another Qualification required of Perſons to be ordained, becauſe it was of great Uſe and Service in the Church; which was, That none ſhould be admitted, at leaſt to the ſuperior Degrees of Biſhops, Presbyters or Deacons, before they had made all the Members of their Family Catholick Chriſtians. This is a Rule we find in the 3d Council of *Carthage* [z], which was

[x] Ibid. c. 58. al. 57. [y] Conc. Nic. c. 19. ἀναβαπτιζέντες χειροτονείσθωσαν. [z] Conc. Carth. 3. c. 18. Ut Epiſcopi, Presbyteri, & Diaconi non ordinentur, priuſquam omnes qui ſunt in domo eorum Chriſtianos Catholicos fecerint.

was equally designed to promote the Conversion of *Pagans*, *Jews*, *Hereticks* and *Schismaticks*, who are all opposed to Catholick Christians: And it was a very proper Rule in that Case, since nothing could be more disadvantageous or dishonourable to Religion, than to have any Countenance or secret Encouragement given to its Opposers by those who were designed to serve at the Altar. Besides that this was but a proper Way of making Reprisals upon the Heathen Religion: For *Julian* had made a like Decree for his *Pagan* Priests in opposition to the Christians, charging *Arsacius*, High-Priest of *Galatia*, that he should admit none [*a*] to the Priest's Office who tolerated either Servants, or Children, or Wives that were *Galilæans*, and did not come with their whole Family and Retinue to the Worship of the Gods in the Idol-Temples. It had been a great Omission and Oversight in the Governours of the Christian Church, had they not been as careful to secure the Interest of the true Religion in the Families of their Ministers, as that *Pagan* Prince was to secure a false Religion among his Idol-Priests: And therefore had there been nothing more than Emulation in the Case, yet that had been a sufficient Reason to have laid this Injunction upon all the Candidates of the Christian Priesthood.

Sect. 14. *What Methods were anciently taken to prevent Simoniacal Promotions.*

There is but one Qualification more I shall mention under this Head, which was, That Men should come honestly and legally to their Preferment, and use no indirect or sinister Arts to procure themselves an Ordination. Merit, and not Bribery, was to be their Advocate, and the only thing to be considered

[*a*] Julian. Ep. ad Arsac. ap. Sozomen. Lib. 5. c. 16.

conſidered in all Elections. In the three firſt Ages, whilſt the Preferments were ſmall, and the Perſecutions great, there was no great danger of ambitious Spirits, nor any great Occaſion to make Laws againſt Simoniacal Promotions. For then Martyrdom was as it were a thing annexed to a Biſhoprick; and the firſt Perſons that were commonly aimed and ſtruck at, were the Rulers and Governors of the Church. But in after Ages, Ambition and Bribery crept in among other Vices, and then ſevere Laws were made both in Church and State to check and prevent them. *Sulpicius Severus* takes notice of this Difference betwixt the Ages of Perſecution, and thoſe that followed, when he ſays [*b*], that in the former, Men ſtrove who ſhould run faſteſt to thoſe glorious Combats, and more greedily ſought for Martyrdom by honourable Deaths, than in after-times by wicked Ambition they ſought for the Biſhopricks of the Church. This implies, that in the Age when *Sulpicius* lived, in the 5th Century, ſome irregular Arts were uſed by particular Men to advance themſelves to the Preferments of the Church. To correct whoſe Ambition and ill Deſigns, the Church inflicted very ſeveve Cenſures upon all ſuch as were found guilty of Simony, or as ſome then [*c*] called it, χρισεμποριαν, the ſelling of Chriſt. The Council of *Chalcedon* decreed [*d*], that if any Biſhop gave Ordination, or an Eccleſiaſtical Office or Preferment of any kind for Money, he himſelf ſhould loſe his Office, and the Party ſo preferr'd be depoſed. And

[*b*] Sever. Hiſt. Lib. 2. p. 99. Certatim in glorioſa certamina ruebatur, multoque avidius tum Martyria glorioſis mortibus quærebantur, quam nunc Epiſcopatus pravis ambitionibus appetuntur. [*c*] Vid. Epiſt. Alexandri Alexandrini ap. Theodor. Lib. c 4. [*d*] Conc. Chalced. c. 2.

And the Reader may find ſeveral other Conſtitutions of the ſame Import in thoſe called the Apoſtolical Canons [e], the Council of *Conſtantinople* [f] under *Gennadius*, *An.* 459. the 2d Council of *Orleans* [g], *Bracara* [h] and many others. The Imperial Laws alſo were very properly contriv'd to prevent this Abuſe. For by one of *Juſtinian*'s Laws [i] it was enacted, that whenever a Biſhop was to be choſen, the Electors themſelves ſhould take an Oath, and inſert it into the Election-Paper, that they did not chuſe him for any Gift, or Promiſe, or Friendſhip, or any other Cauſe, but only becauſe they knew him to be a Man of the true Catholick Faith, and an unblameable Life, and good Learning. And in another of his Laws, where this ſame Injunction is repeated, 'tis farther provided, that the Party Elected ſhall alſo at the time of his Ordination take an Oath upon the Holy Goſpels, that he neither gave [k] nor promiſed, by himſelf or other, nor hereafter will give to his Ordainer, or to his Electors, or any other Perſon, any thing to procure him an Ordination. And for any Biſhop to Ordain another without obſerving the Rule preſcribed, is Depoſition by the ſame Law, both for himſelf and the other whom he Ordained. Theſe were

[e] Canon. Apoſt. c. 29. [f] Conc. CP. Epiſt. Synod. Con. Tom. 4. p. 1025. [g] Conc. Aurel. 2. c. 3, & 4. [h] Bracar. 2. c. 3. [i] Juſtin. Novel. 123. c. 1. Propoſitis eis ſacroſanctis Evangeliis, periculo ſuarum animarum dicentes in ipſis Decretis, quia neque propter aliquam Donationem, nec promiſſionem, aut Amicitiam, aut aliam quamlibet cauſam, ſed ſcientes eos rectæ & Catholicæ Fidei, & honeſtæ eſſe Vitæ, & literas noſſe, hos elegerunt [k] Novel. 137. c. 2. Jusjurandum autem ſuſcipere eum qui ordinatur, per Divinas ſcripturas, quod neque per ſe ipſum neque per aliam perſonam dedit quid, aut promiſit, neque poſthac dabit, vel Ordinanti ipſum, vel his qui ſacra pro eo Suffragia fecerunt, vel alij cuiquam Ordinationis de ipſo faciendæ nomine, &c.

were ſome of thoſe ancient Rules to be obſerved in the Examination of Mens Lives and Morals, before they were conſecrated to the ſacred Function, or admitted to ſerve in any of the chief Offices of the Church.

CHAP. IV.

Of the Qualifications of Perſons to be ordained, reſpecting their outward State and Condition in the World.

Sect. 1. *No Soldier to be ordained.*

A Third Enquiry was made into Mens outward State and Condition in the World: For there were ſome Callings and States of Life which debarred Men from the Privilege of Ordination, not becauſe they were eſteemed abſolutely ſinful Vocations, but becauſe the Duties attending them were commonly incompatible and inconſiſtent with the Offices of the Clergy. Of this Nature were all thoſe Callings which come under the general Name of *Militia Romana*, which we cannot ſo properly engliſh the Military Life, as the Service of the Empire: For it includes ſeveral Offices as well Civil as Military, the *Romans*, as *Gothofred* and other learned [*a*] Perſons have obſerved, calling all inferior Offices by the Name of *Militia*. So there were Three ſorts of it, *Militia Palatina*, *Militia Caſtrenſis* or *Armata*, and *Militia Præſidialis* or *Cohortalis*: The Firſt including the Officers of the Emperour's Palace; the Second

[*a*] Gothofred. Com. in Cod. Th. Lib. 12. Tit. 1. de Decurion. Leg. 63. Valeſ. Not. in Sozomen. Lib. 5. c. 4. Pagi Critic. in Baron. an. 375. n. 11.

Second, the armed Soldiery of the Camp; and the Third, the Apparitors and Officials of Judges and Governours of Provinces; all which were ſo tied to their Service, that they could not forſake their Station: And for that Reaſon the Laws of the State forbad any of them to be entertained as Eccleſiaſticks, or ordained among the Clergy. *Honorius* [*b*] the Emperour particularly made a Law to this purpoſe, That no one who was originally tied to the Military Life, as ſome were even by Birth, ſhould either before or after they were entered upon that Life, take upon them any Clerical Office, or think to excuſe themſelves from their Service under the Notion of becoming Eccleſiaſtical Perſons. The Canons of the Church ſeem to have carried the Matter a little farther: For they forbad the Ordination of any who had been Soldiers after Baptiſm, becauſe they might perhaps have embrewed their Hands in Blood. This appears from the Letters of *Innocent* 1ſt, who blames the *Spaniſh* Churches [*c*] for admitting ſuch Perſons into Orders, alledging the Canons of the Church againſt it. The firſt Council of *Toledo* forbids any ſuch to be ordained Deacons, though they had never been concerned in ſhedding of Blood; becauſe [*d*] though

[*b*] Cod. Th. Lib. 7. Tit. 20. de Veteranis Leg. 12. Quoniam plurimos vel ante militiam, vel poſt inchoatam, nec peractam, latere objectu piæ Religionis agnovimus, dum ſe quidam vocabulo Clericorum —— defendunt, nulli omnio tali excuſari objectione permittimus, &c. [*c*] Innoc. Ep. 24. c. 2. Quantos ex Militia, qui cum Poteſtatibus obedierunt, ſevera neceſſario præcepta ſunt executi. Ibid. c. 4. Ne quiſpiam qui poſt Baptiſmum militaverit, ad ordinem debeat Clericatûs admitti. Vid. Ep. 2. ad Victricium Rothomagenſ. c. 2. [*d*] Conc. Tolet. 1. c. 8. Si quis poſt Baptiſmum militaverit, & Chlamydem ſumpſerit, aut Cingulum ad necandos Fideles, etiamſi gravia non admiſerit, ſi ad Clerum admiſſus fuerit, Diaconij non accipiat dignitatem.

though they had not actually ſhed Blood, yet by entering upon the Military Life they had obliged themſelves, if Occaſion had ſo required, to have done it. Which ſeems to import, that Soldiers might be allow'd in the Inferior Services, but were not to be admitted to the Sacred and Superior Orders of the Church.

Sect. 2. *Nor any Slave or Freed Man without the Conſent of the Patron.*

Another State of Life, which debarred Men from the Privilege of Ordination, was that of Slaves or Vaſſals in the *Roman* Empire; who being originally tied by Birth or Purchaſe to their Patrons or Maſters Service, could not legally be ordained, becauſe the Service of the Church was incompatible with their other Duties; and no Man was to be defrauded of his Right under Pretence of an Ordination. In this Caſe therefore the Patron was always to be conſulted before the Servant was Ordained. Thus in one of thoſe called the Apoſtolical [*e*] Canons we find a Decree, that no Servants ſhould be admitted among the Clergy without the Conſent of their Maſters, to the Grievance of the Owners, and Subverſion of their Families. But if a Servant be found worthy of an Eccleſiaſtical Promotion, as *Oneſimus* was, and his Maſter give his Conſent, and grant him his Freedom, and let him go forth from his Houſe, he may be Ordained. The Council of *Toledo* [*f*] has a Canon to the ſame Purpoſe. And the Council of *Eliberis* [*g*] goes a little farther, and ſays,

[*e*] Canon. Apoſt. c. 82. [*f*] Conc. Tolet. 1. c. 10. Clericos, ſi quidem obligati ſint vel pro Æquatione, vel de genere alicujus domûs, non ordinandos, niſi probatæ vitæ fuerint, & Patroni conſenſus acceſſerit. [*g*] Conc. Eliber. c. 80. Prohibendum eſt, ut Liberti, quorum Patroni in ſæculo fuerint, ad Clerum provehantur.

ſays, though a Secular Maſter, that is, an Heathen, as *Albaſpinæus* interprets it, had made his Servant a Freeman, he ſhould not be Ordained. The Reaſon of which is conceived to be, that ſuch Maſters gave them only a conditional Freedom, and ſtill retained a Right to exact certain Services and Manual Labours of them, which would not conſiſt with the Service of the Church. The Imperial Laws alſo [*b*] made Proviſion in this Caſe, that no Perſons under ſuch Obligations ſhould be admitted to any Office of the Clergy; or if they were admitted, meerly to evade their Obligations, their Maſters ſhould have Power to recall them to their Service, unleſs they were Biſhops or Presbyters, or had continued thirty Years in ſome other Office of the Church. By which it appears, that the Ordination of ſuch Perſons was prohibited only upon a Civil Account; not becauſe that State of Life was Sinful, or that it was any Undervaluing or Diſgrace to the Function to have ſuch Perſons Ordained, but becauſe the Duties of the Civil and Eccleſiaſtical State would not well conſiſt together.

Sect. 3.
Nor any Member of a Civil Company or Society of Tradeſmen, who were tied to the Service of the Commonwealth.

For the ſame Reaſon the Laws forbad the Ordination of any Perſons, who were incorporated into any Society for the Service of the Commonwealth, unleſs they had firſt obtained the leave of the Society, and Prince, under whom they ſerved. This is the meaning of that Law [*i*] of

[*b*] Valent. 3. Novel. 12. ad Calcem Cod. Th. Nullus Originarius, Inquilinus, Servus, vel Colonus ad Clericale munus accedat.—— Ut vinculum debitæ conditionis evadat.—— Originarij ſane vel Servi, qui jugum Natalium declinantes, ad Eccleſiaſticum ſe Ordinem tranſtulerunt, Exceptis Epiſcopis & Presbyteris, ad Dominorum jura recedant, ſi non in eodem Officio annum Triceſimum compleverunt.

[*i*] of *Juſtinian*, which forbids any of thoſe called ταξεῶται, or *Cohortales*, that is, the Officers or Apparitors of Judges, to be ordained, unleſs they had firſt ſpent Fifteen Years in a Monaſtick Life. And the firſt Council of *Orleans* [*k*] requires expreſly either the Command of the Prince, or the Conſent of the Judge, before any ſuch ſecular Officer be ordained. By the Laws of *Theodoſius Junior* [*l*] and *Valentinian* 3d [*m*], all Corporation-Men are forbidden to be ordained; and if any ſuch were ordained among the inferior Clergy, they were to be reclaimed by their reſpective Companies: If among the Superior, Biſhops, Presbyters, or Deacons, they muſt provide a proper Subſtitute, qualified with their Eſtate, to ſerve in the Company from whence they were taken. The Reader that is curious in this Matter may find ſeveral other Laws in the *Theodoſian Code* [*n*] made by the elder *Valentinian* and *Theodoſius* the Great, with reſpect to particular Civil Societies ſo incorporated for the Uſe of the Publick; no Member of which might be ordained, but either they muſt quit their Eſtates, or be liable to be recalled to the Service which they had unwarrantably forſaken.

For

[*i*] Juſtin. Novel. 123. c. 15. Sed neque Cohortales, neque Decuriones Clerici fiunto —— Dempto ſi Monachicam aliquis ex ipſis vitam non minus quindecim annis tranſegerit. [*k*] Conc. Aurel. 1. c. 4. Nullus Sæcularium ad Clericatûs Officium præſumatur, niſi aut cum Regis juſſione, aut cum judicis voluntate. [*l*] Theodoſ. Novel. 26. de Corporatis Urbis Romæ, ad Calcem Cod. Th. [*m*] Valentin. Novel. 12. ibid. [*n*] Cod. Th. Lib. 14. Tit. 4. de Suariis. Leg. 8. Eos qui ad Clericatûs ſe Privilegia contulerunt, aut agnoſcere oportet propriam Functionem, aut ei Corpori, quod declinant, proprij Patrimonij facere ceſſionem. Vid. Ibid. l. 14. Tit. 3. de Piſtoribus Leg. 11. It. Lib. 8. Tit. 5. de Curſu Publico. Leg. 46.

Sect. 4.
Nor any of the Curiales, *or* Decuriones *of the* Roman *Government.*

For Reaſons of the ſame Nature the Canons were preciſe in forbidding the Ordination of any of thoſe who are commonly known by the Name of *Curiales*, or *Decuriones*, in the *Roman* Government; that is, ſuch as were Members of the *Curia*, the Court, or Common-Council of every City. Theſe were Men who by vertue of their Eſtates were tied to bear the Offices of their Country; ſo that out of their Body were choſen all Civil Officers, the Magiſtrates of every City, the Collectors of the publick Revenue, the Overſeers of all publick Works, the Pontifices or Flamens who exhibited the publick Games and Shews to the People, with abundance of others, whoſe Offices are ſpecified by *Gothofred* [o], to the Number of Twenty Two, which I need not here recite. Theſe were always Men of Eſtates, whoſe Subſtance amounted to the Value of Three Hundred Solids; which is the Sum that is ſpecified by *Theodoſius Junior* [p], as qualifying a Man to be a Member of the *Curia*: And both they and their Eſtates were ſo tied to Civil Offices, that no Member of that Body was to be admitted into any Eccleſiaſtical Office till he had firſt diſcharged all the Offices of his Country, or elſe provided a proper Subſtitute, one of his Relations qualified with his Eſtate, to bear Offices in his Room; otherwiſe the Perſon ſo ordained was liable by the Laws of the Empire (of which I give a more particular Account hereafter [*] in the next Book) to be called back by the *Curia* from an Eccleſiaſtical to a Secular Life again. Which

[o] Gothofred. Paratition. Cod. Th. Lib. 12. Tit. 1. de Decurionibus T. 4. p. 339. [p] Theodoſ. Novel. 38. ad Calcem Cod. Th. [*] *See Book 5. Chap. 3. Sect. 15.*

Which was such an Inconvenience to the Church, that she her self made Laws to prohibit the Ordination of any of these *Curiales*, to avoid the Trouble and Molestation which was commonly the Consequent of their Ordination. St. *Ambrose* [q] assures us, that sometimes Presbyters and Deacons, who were thus Ordain'd out of the *Curiales*, were fetch'd back to serve in *Curial* Offices, after they had been Thirty Years and more in the Service of the Church. And therefore to prevent this Calamity, the Council of *Illyricum*, mentioned by *Theodoret* [r], made a Decree, that Presbyters and Deacons should always be chosen out of the Inferior Clergy, and not out of these *Curiales*, or any other Officers of the Civil Government. *Innocent* Bishop of *Rome* frequently refers to this Rule of the Church [s] in his Epistles, where he gives two Reasons against their Ordination: First, That they were often recalled by the *Curia* to serve in Civil Offices, which brought some Tribulation upon the Church. Secondly, Because many of them had served in the Office of *Flamens* [t] after Baptism, and were Crown'd as the Heathen High-Priests were used to be, while they exhibited the publick Games and Shews to the People. Which though it

[q] Ambr. Ep. 29. Per triginta & innumeros annos Presbyteri quidam gradu functi, vel Ministri Ecclesiæ retrahuntur à munere sacro, & Curiæ deputantur. [r] Ap. Theodor. Lib. 4. c. 9. ἐκ τοῦ ἱερατικοῦ τάγματος, καὶ μὴ ἀπὸ τῆς βουλευτηρίου καὶ στρατιωτικῆς ἀρχῆς. [s] Innoc. Ep. 4. c. 3. De Curialibus manifesta ratio est, quoniam etsi inveniantur hujusmodi viri qui debeant Clerici fieri, tamen quoniam sæpius ad Curiam repetuntur, cavendum ab his est propter tribulationem, quæ sæpe de his Ecclesiæ provenit. [t] Innoc. Ep. 24. c. 4. Neque de Curialibus aliquem ad Ecclesiasticum Ordinem venire posse, qui post Baptismum vel coronati fuerint, vel Sacerdotium, quod dicitur, sustinuerint, & Editiones publicas celebraverint, &c.

it was indulged by the Civil Law in Christian Magistrates, yet the Church reckon'd it a Crime, for which Men were sometimes obliged to do Publick Penance, as appears from the Canons [u] of the Council of *Eliberis*; and consequently such a Crime as made Men Irregular and uncapable of Ordination. So that upon both Accounts these *Curiales* were to be excluded from the Orders of the Church. And though this Rule by the Importunity of Men was sometimes Transgressed, yet the Laws both of Church and State always stood in force against such Ordinations; and sometimes the Ordainers themselves were punished with Ecclesiastical Censures. Of which there is a famous Instance related by *Sozomen* [w], who says the Council of *Constantinople*, *An.* 360. deposed *Neonas* from his Bishoprick for Ordaining some of these *Curiales* Bishops. *Sozomen* indeed calls them πολιτευόμενοι; but that is but another Name for *Curiales*, whom the *Greeks* otherwise term βουλευταὶ, Counsellors; and the *Latins*, *Municipes*, Burghers or Corporation-Men; and *Minor Senatus* [x], The little Senate of every City, in opposition to the great Senate of *Constantinople* and *Rome*. These Persons, whatever Denomination they went by, were so entirely devoted to the Service of the Common-wealth, that till they had some way or other discharg'd that Duty, they might not (as appears) be admitted to serve in any Office of the Church.

Sect. 5.
Nor any Proctor or Guardian, till his Office expired.

Indeed it was a General Rule in this matter, as we learn from one of the Councils [y] of *Carthage*, That no one was to be Ordained, who was bound to any secular Service.

[u] Conc. Eliber. c. 3. [w] Sozom. Lib. 4. c. 24. [x] Majorian. Novel. 1. ad Calcem Cod. Theod. Curiales servos esse Reipublicæ ac viscera Civitatum nullus ignorat, quorum cœtum recte appellavit antiquitas Minorem Senatum. [y] Conc Carth. 1. c. 9. Obnoxij alienis negotiis non ordinentur.

And for that Reaſon it was decreed by the ſame Council, at leaſt for the Churches of *Africk*, that no Agent or Factor in other Mens Buſineſs, nor any Guardian of Orphans ſhould be ordained, till his Office and Adminiſtration was perfectly expired; becauſe the Ordination of ſuch [z] would otherwiſe turn to the Reproach and Defamation of the Church. But if I miſtake not, this Prohibition did not extend to the inferior Orders, but only to thoſe whoſe Office was to ſerve at the Altar.

Sect. 6. *Pleaders at Law denied Ordination in the* Roman *Church.*

In ſome Churches there ſeems alſo to have been an abſolute Prohibition and Rule againſt ordaining Advocates or Pleaders at Law, not only whilſt they continued in their Profeſſion, but for ever after. This ſeems to have been the Cuſtom of the *Roman* and *Spaniſh* Churches: For *Innocent* Biſhop of *Rome*, in a Letter [a] to the Council of *Toledo*, complains of an Abuſe then crept into the *Spaniſh* Church, which was, That many who were exerciſed in pleading at the Bar were called to the Prieſthood. To correct which Abuſe, as he deemed it, he propoſed this Rule to them to be obſerved, That no one who had pleaded Cauſes after Baptiſm [b] ſhould be admitted to any Order of the Clergy. What particular Reaſons the Church of *Rome* might then have for this Prohibition I cannot ſay; but it does not appear that this was the General Rule of the whole

[z] Ibid. c. 8. Procuratores & Actores, etiam Tutores Pupillorum——ſi ante libertatem Negotiorum vel Officiorum, ab aliquo ſine conſideratione fuerint ordinati, Eccleſia infamatur. [a] Innoc. Ep. 24. ad Concil. Tolet. c. 2. Quantos ex eis, qui poſt acceptam Baptiſmi Gratiam, in Forenſi Exercitatione verſati ſunt, & obtinendi pertinaciam ſuſceperunt, accitos ad Sacerdotium eſſe comperimus? [b] Ibid. c. 4. Ne quiſpiam ad Ordinem debeat Clericatûs admitti, qui Cauſas poſt acceptum Baptiſmum egerit.

whole Catholick Church. For the Council of *Sardica* [c] allows a Lawyer even to be ordained Biſhop, if he firſt went regularly through the Offices of Reader, Deacon and Presbyter. Which ſhews, that the Cuſtom, as to this Particular, was not one and the ſame in all Churches.

Sect. 7. *Alſo Energumens, Actors, Stage-players, &c. in all Churches.*

The Reader may find ſeveral other Cautions given by *Gennadius* [d] againſt ordaining any who had been Actors or Stage-players, or Energumens, during the Time of their being poſſeſt, or ſuch as had married Concubines, that is, Wives without Formality of Law, or that had married Harlots, or Wives divorced from a former Husband. But I need not inſiſt upon theſe, ſince the very naming them ſhews all ſuch Perſons to have been in ſuch a State of Life, as might reaſonably be accounted a juſt Impediment of Ordination. It will be more material to enquire, What the Ancients meant by *Digamy*, which after the Apoſtle they always reckoned an Objection againſt a Man's Ordination? And whether any Vow of perpetual Celibacy was exacted of the ancient Clergy, when they were admitted to the Orders of the Church? Which becauſe they are Queſtions that come properly under this Head, it will not be amiſs to reſolve them diſtinctly, but briefly, in the following Chapter.

[c] Conc. Sardic. c. 10. ἐάν τις σχολαστικὸς ἀπὸ τῆς ἀγορᾶς ἀξιοῖτο ἐπίσκοπος γίνεσθαι, μὴ πρότερον καθίσαδαι, ἐὰν μὴ κ) ἀναγνώστ κ) διακόνε κ) πρεσβυτέρε λειτουργίαν ἐκτελέστη. [d] Gennad. de Eccleſ. Dogm. c. 73.

CHAP. V.

Of the State of Digamy *and* Celibacy *in particular: And of the Laws of the Church about theſe, in reference to the ancient Clergy.*

Sect. 1. *No* Digamiſt *to be Ordained, by the Rule of the Apoſtle.*

AS to what concerns *Digamy*, it was a Primitive Apoſtolical Rule, That a Biſhop or a Deacon ſhould be one who was the Husband of one Wife only: On which Rule all the Laws againſt *Digamy* in the Primitive Church were founded. But then we are to obſerve, that the Ancients were not exactly agreed about the Senſe of that Apoſtolical Rule; and That occaſioned different Notions and different Practices among them in reference to the Ordination of *Digamiſts*.

Sect. 2. *Three different Opinions among the Ancients about* Digamy: *Firſt, That all Perſons were to be refuſed Orders as* Digamiſts, *who were twice Married after Baptiſm.*

One very common and prevailing Notion was, that all Perſons were to be refuſed Orders, as *Digamiſts*, who were twice Married after Baptiſm, though Legally and Succeſſively to two Wives one after another. For though they did not condemn ſecond Marriages as Sinful and Unlawful, with the *Novatians* and *Montaniſts*; yet upon Preſumption that the Apoſtle had forbidden Perſons twice Married to be Ordain'd Biſhops, they repelled ſuch from the Superior Orders of the Church. That this was the Practice of ſome Churches in the Time of *Origen*, may appear from what he ſays in his Comments upon St. *Luke*, That not only

only [a] Fornication, but Marriages excluded Men from the Dignities of the Church: For no *Digamiſt* could be either Biſhop, or Presbyter, or Deacon, or Deaconeſs in the Church. *Tertullian* when he became a *Montaniſt*, laid hold of this Argument, and urged it to decry ſecond Marriages in all Perſons; Pleading [b] that a Lay-Man could not in Decency deſire Licence of the Eccleſiaſticks to be Married a ſecond Time, ſeeing the Eccleſiaſticks themſelves, Biſhops, Presbyters, and Deacons, were but once Married. Which he repeats frequently [c] in ſeveral Parts of his Writings. And it cannot be denied, but that many other ancient Writers, St. *Ambroſe* [d], St. *Jerom* [e], *Gennadius* [f], *Epiphanius* [g], and the Councils of *Agde* [h] and *Carthage* [i], put the ſame Senſe upon the Words of the Apoſtle. Only *Epiphanius* puts a Diſtinction between the Superior and Inferior Orders, making the Rule in this Senſe Obligatory to the former, but not to the latter.

[a] Orig. Hom. 17. in Luc. p. 228. Ab Eccleſiaſticis Dignitatibus non ſolum Fornicatio, ſed & nuptiæ repellunt: Neque enim Epiſcopus, nec Presbyter, nec Diaconus, nec Vidua, poſſunt eſſe Digami. [b] Tertul. de Monogam. c. 11. Qualis es id Matrimonium poſtulans, quod eis, à quibus poſtulas, non licet habere? ab Epiſcopo Monogamo, à Presbyteris & Diaconis ejuſdem Sacramenti, &c. [c] Vid. Tertul. de Pœnitent. c. 9. De Exhort. Caſtitat. c. 7. Ad Uxor. Lib. 1. c. 7. [d] Ambroſ. de Offic. Lib. 1. c. 50. [e] Hieron. Ep. 2. ad Nepotian. Ep. 11. ad Geront. Ep. 83. ad Ocean. [f] Gennad. de Eccleſ. Dogm. c. 73. [g] Epiphan. Expoſ. Fid. n. 21. [h] Conc. Agathen. c. 1. [i] Conc. Carth. 4. c. 69.

Sect. 3.

2. Others extended the Rule to all Persons twice married, whether before or after Baptism.

Some there are again who gave the Rule a ſtricter Expoſition, making it a Prohibition not only of ordaining Perſons twice married after Baptiſm, but alſo ſuch as were twice married before it, or once before and once after; as many *Gentiles* and Catechumens happened to be in thoſe Times, when Baptiſm was adminiſtred to adult Perſons. St. *Ambroſe* [*k*] was of Opinion, that even theſe were to be excluded from Ordination: And ſo it was decreed by *Innocent* Biſhop of *Rome* [*l*], and the Council of *Valencia* [*m*] in *France*. But this Opinion was generally rejected by others, as fartheſt from the Senſe of the Apoſtle.

Sect. 4.

3. The moſt probable Opinion of thoſe who thought the Apoſtle by Digamiſts *meant* Polygamiſts, *and ſuch as married after Divorce.*

The moſt probable Opinion is that of thoſe ancient Writers, who interpret the Apoſtles Rule as a Prohibition of ordaining *Polygamiſts*, or ſuch as had married many Wives at the ſame Time; and ſuch as had cauſeleſly put away their Wives, and married others after divorcing of the former; which were then very common Practices both among *Jews* and *Gentiles*, but ſcandalous in themſelves, and ſuch as the Apoſtles would have to be accounted juſt Impediments of Ordination. This is the Senſe which *Chryſoſtom* [*n*] and *Theodoret* [*o*] propoſe and defend, as moſt agreeable to the Mind of the Apoſtle. And it is certain that ſecond Marriages, in any other Senſe, were not always an inſuperable Objection

[*k*] Ambroſ. Ep. 82. ad Vercellenſes. [*l*] Innoc. Ep. 2. c. 6. Ep. 22. c. 2. Ep. 24. c. 6. [*m*] Conc. Valentin. c. 1. [*n*] Chryſoſt. Hom. 10. in 1 Tim. 3. 2. Hom. 2. in Tit. 1. 6. [*o*] Theod. Com. in 1 Tim. 3. 2.

Objection againſt Mens Ordination in the Chriſtian Church. For *Tertullian* owns [*p*] that there were Biſhops among the Catholicks who had been twice married; though in his Stile that was an Affront to the Apoſtle. And it appears from the Letters of *Siricius* [*q*] and *Innocent* [*r*], that the Biſhops of *Spain* and *Greece* made no Scruple to ordain ſuch generally among the Clergy; for they take upon them to reprove them for it. *Theodoret*, agreeably to his own Notion, ordained one *Irenæus* Biſhop, who was twice married: And when ſome objected againſt the Legality of the Ordination upon that Account, he defended it by the common Practice of other Churches. Herein, ſays he [*s*], I follow'd the Example of my Predeceſſors. *Alexander* Biſhop of the Apoſtolical See of *Antioch*, with *Acacius* of *Beræa*, ordained *Diogenes* a *Digamiſt*; and *Praylius* ordained *Domninus* of *Cæſarea* a *Digamiſt* likewiſe. *Proclus* Biſhop of *Conſtantinople* received and approved the Ordination of many ſuch; and ſo do the Biſhops of *Pontus* and *Paleſtine*, among whom no Controverſy is made about it. From hence it appears that the Practice of the Church varied in this Matter; and that therefore *Bellarmin* and other *Romaniſts* very much abuſe their Readers, when they pretend that the Ordination of *Digamiſts*, meaning Perſons twice lawfully married, is both againſt the Rule of the Apoſtle and the univerſal Conſent and Practice of the Church.

[*p*] Tertul. de Monogam. c. 12. Quot enim & Digami præſident apud vos, inſultantes utique Apoſtolo? [*q*] Siric. Ep. 1. ad Himer. Tarracon. c. 8. [*r*] Innoc. Ep. 22. ad Epiſc. Maced. c. 1. [*s*] Theod. Ep. 110. ad Domnum.

Sect. 5.
No Vow of Celibacy required of the Clergy as a Condition of their Ordination for the Three first Ages.

They ſtill more abuſe their Readers, in pretending that a Vow of perpetual Celibacy, or Abſtinence from Conjugal Society, was required of the Clergy, as a Condition of their Ordination, even from the Apoſtolical Ages. For the contrary is very evident from innumerable Examples of Biſhops and Presbyters, who lived in a ſtate of Matrimony without any prejudice to their Ordination or Function. 'Tis generally agreed by ancient Writers, that moſt of the Apoſtles were Married. Some ſay, all of them, except [t] St. *Paul* and St. *John*: Others ſay, St. *Paul* was Married alſo, becauſe he writes to his Yoke-fellow, whom they interpret his Wife, *Phil.* 4. 3. This was the Opinion of *Clemens* [u] *Alexandrinus*, wherein he ſeems to be followed by *Euſebius* [w], and *Origen* [x], and the Author of the Interpolated Epiſtle [y] to the Church of *Philadelphia* under the Name of *Ignatius*; whom ſome Modern *Romaniſts*, miſtaking him for the true *Ignatius*, have moſt diſingenuouſly mangled, by Eraſing the Name of *Paul* out of the Text; which foul dealing Biſhop *Uſher* [z] has expoſed, and *Cotelerius* [a] does in Effect confeſs it, when he owns that the Author himſelf wrote it, and that he therein followed the Authority

[t] Ambroſ. ad Hilar. in 2 Cor. 11. Omnes Apoſtoli, exceptis Johanne & Paulo, uxores habuerunt. Vid. Epiphan. Hær. 78. Antidicomarianit. n. 10. Cotelerius *cites* Euſebius, Baſil *and ſome others for the ſame Opinion*. Not. in Ignat. Ep. ad Philadelph. Interpolat. n. 4. [u] Clem. Alex. Strom. 3. p. 448. [w] Euſeb. Lib. 3. c. 30. [x] Orig. Com. in Rom. 1. p 459. Paulus ergo (ſicut quidam tradunt) cum Uxore vocatus eſt: de qua dicit, ad Philippenſes ſcribens: Rogo te etiam Germana compar. &c. [y] Pſeudo-Ignat. Ep. ad Philadelph. n. 4. [z] Uſſer. Diſſert. in Ignat. c. 17. [a] Coteler. Not. in Loc.

Authority of *Clemens*, *Origen*, and *Euſebius*. But paſſing by this about St. *Paul*, (which is a Matter of Diſpute among Learned Men, the major Part inclining to think that he always lived a ſingle Life) it cannot be denied that others of the Apoſtles were Married: And in the next Ages after them we have Accounts of Married Biſhops, Presbyters and Deacons, without any Reproof or Mark of Diſhonour ſet upon them. As to Inſtance in a few, *Valens* Presbyter of *Philippi* mention'd by *Polycarp* [*b*]; *Chæremon* Biſhop of *Nilus*, an exceeding old Man, who fled with his Wife to Mount *Arabion* in time of Perſecution, where they both periſhed together, as *Euſebius* informs us [*c*]. *Novatus* was a Married Presbyter of *Carthage*, as we learn from *Cyprian*'s [*d*] Epiſtles. *Cyprian* himſelf was alſo a Married Man, as Mr. *Pagi* [*e*] confeſſes. And ſo was *Cæcilius* [*f*] the Presbyter that converted him. As alſo *Numidicus* another Presbyter of *Carthage*, of whom *Cyprian* [*g*] tells us this remarkable Story, That in the *Decian* Perſecution he ſaw his own Wife with many other Martyrs burnt by his Side; whilſt he himſelf lying half burnt, and covered with Stones, and left for dead, was found expiring by his own Daughter, who drew him out of the Rubbiſh, and brought him to Life again. *Euſebius* aſſures us, that *Phileas* [*h*] Biſhop of *Thmuis*, and *Philoromus* had both Wife and Children: For they were urged with that Argument by the Heathen Magiſtrate to deny their Religion in the *Diocletian* Perſecution; but they generouſly

[*b*] Polycarp. Ep. ad Philip. n. 11. [*c*] Euſeb. Lib. 6. c. 42. [*d*] Cypr. Ep. 49. al. 52. ad Cornel. [*e*] Pagi Crit. in Baron. ad An. 248. n. 4. [*f*] Pontius Vit. Cyprian. [*g*] Cypr. Ep. 35. al. 40. Numidicus Presbyter Uxorem adhærentem lateri ſuo, concrematam ſimul cum cæteris, vel conſervatam magis dixerim, lætus aſpexit, &c. [*h*] Euſeb. Lib. 8. c. 9.

nerouſly contemned his Argument, and gave Preference to the Laws of Chriſt. *Epiphanius* [*i*] ſays, *Marcion* the Heretick was the Son of a Biſhop, and that he was excommunicated by his own Father for his Lewdneſs. *Domus* alſo Biſhop of *Antioch* [*k*] is ſaid to be Son to *Demetrian*, who was Biſhop of the ſame Place before him. It were eaſy to add abundance more ſuch Inſtances; but theſe are ſufficient to ſhew, that Men of all States were admitted to be Biſhops and Presbyters in the primitive Ages of the Church.

Sect. 6. *The Vanity of the contrary Pretences.*

The moſt learned Advocates of the *Roman* Communion have never found any other Reply to all this, ſave only a groundleſs Pretence of their own Imagination, that all married Perſons when they came to be ordained, promiſed to live ſeparate from their Wives by Conſent, which anſwered the Vow of Celibacy in other Perſons. This is all that *Pagi* [*l*] or *Schelſtrate* [*m*] have to ſay in the Caſe, after all the Writers that have gone before them: Which is ſaid not only without Proof, but againſt the cleareſt Evidences of ancient Hiſtory, which manifeſtly prove the contrary. For *Novatus* Presbyter of *Carthage*, whoſe Caſe *Pagi* had under Conſideration, was certainly allowed to cohabit with his Wife after Ordination: As appears from the Charge that *Cyprian* brings againſt him, That he had ſtruck and abuſed his Wife [*n*], and thereby cauſed her to miſcarry; for which Crime he had certainly been thruſt out not only

[*i*] Epiphan. Hær. 42. [*k*] Euſeb. Lib. 7. c. 30. [*l*] Pagi Critic. in Baron. an. 248. n. 4. [*m*] Schelſtrat. Eccleſ. Afric. Diſſert. 3. c. 4. ap. Pagi ibid. [*n*] Cypr. Ep. 52. al. 49. p. 97. Uterus Uxoris calce percuſſus, & abortione properante in parricidium partus expreſſus, &c.

only from the Presbytery, but the Church alſo, had not the Perſecution coming on ſo ſuddenly prevented his Tryal and Condemnation. *Cyprian* does not accuſe him for cohabiting with his Wife, or begetting Children after Ordination; but for murdering his Children which he had begotten; which was indeed a Crime that made him liable both to Depoſition and Excommunication: But the other was no Crime at all by any Law then in force in the *African* or in the univerſal Church. There ſeems indeed in ſome Places to have been a little Tendency towards introducing ſuch a Law by one or two zealous Spirits; but the Motion was no ſooner made, but it was quaſhed immediately by the Prudence and Authority of wiſer Men. Thus *Euſebius* obſerves, that *Pinytus* Biſhop of *Gnoſſus* in *Crete* was for laying the Law of Celibacy upon his Brethren: But *Dionyſius* Biſhop of *Corinth* wrote to him, that he ſhould conſider the Weakneſs of Men, and not impoſe [o] that heavy Burthen upon them. And thus Matters continued for Three Centuries, without any Law that we read of requiring Celibacy of the Clergy at the Time of their Ordination.

Sect. 7. *The Clergy left to their Liberty by the* Nicene *Council.*

In the Council of *Nice*, *An.* 325. the Motion was again renewed, that a Law might paſs to oblige the Clergy to abſtain from all conjugal Society with their Wives, which they had married before their Ordination. But the Propoſal was no ſooner made, but *Paphnutius* a famous *Ægyptian* Biſhop, and one himſelf never married, vigorouſly declaimed againſt it, ſaying, So heavy a

[o] Dionyſ. Ep. ad Pinytum ap. Euſeb. Lib. 4. c. 23. μὴ βαρὺ φορτίον τὸ περὶ ἁγνείας ἐπαναγκὲς τοῖς ἀδελφοῖς ἐπιτιθέναι.

a Burthen was not to laid upon the Clergy; that the Marriage-Bed was honourable, and that they ſhould not by too great Severity bring Detriment on the Church: For all Men could not bear ſo ſevere an Exerciſe, and the Chaſtity of the Wives ſo ſeparated would be endangered alſo. Conjugal Society, he ſaid, was Chaſtity; and it was enough that ſuch of the Clergy as were not Married before their Ordination, ſhould continue unmarried, according to the ancient Tradition of the Church; but it was not proper to ſeparate any one from his Wife, which he had Married whilſt he was a Layman. This ſaid, the whole Council agreed to ſtifle the Motion that had been made, and left every Man to his Liberty as before. So *Socrates* [p] and *Sozomen* tell the Story. To which all that *Valeſius* [q] after *Bellarmin* has to ſay, is, That he ſuſpects the Truth of the thing, and deſires leave to diſſent from his Hiſtorians. Which is but a poor Evaſion, in the Judgment of *Du Pin* himſelf, who thus [r] reflects upon them for it: Some queſtion the Truth of this Story, ſays he; but I believe they do it for fear the Story might prejudice the preſent Diſcipline, rather than from any ſolid Proof they have for it. But they ſhould conſider, that this Canon is purely a Matter of Diſcipline, and that the Diſcipline of the Church may change according to the Times, and that 'tis not neceſſary for the Defence of it, to prove that it was always uniform in all Places. So that in the Judgment of that learned *Romaniſt* there is no Queſtion to be made, but that the Council of *Nice* decreed in Favour of the Married Clergy, as the Hiſtorians relate

[p] Socrat. Lib. 1. c. 11. Sozom. Lib. 1. c. 23. [q] Valeſ. Not. in Socrat. Lib. 1. c. 11. [r] Du Pin Bibliotheque, Vol. 2. p. 253. Edit. Anglic.

ate it did; and that then the Practice was different from that of the preſent Church of *Rome*, which others are ſo unwilling to have the World believe.

Sect. 8. *And other Councils of that Age.*

It is as evident from other Councils of the ſame Age, that the Married Clergy were allowed to continue in the Service of the Church, and no Vow of Abſtinence required of them at their Ordination. *Socrates* obſerves that the Council of *Gangra* anathematized *Euſtathius* the Heretick, becauſe he taught Men to ſeparate [*s*] from ſuch Presbyters as retain'd their Wives which they Married while they were Lay-men, ſaying, their Communion and Oblations were abominable. The Decree is ſtill extant among the Canons of that Council [*t*], and runs in theſe Words: If any one ſeparate from a Married Presbyter, as if it were unlawful to participate of the Euchariſt, when ſuch an one Miniſters, let him be *Anathema*. The Council of *Ancyra* gives leave to Deacons to Marry after Ordination; if they proteſted [*u*] at their Ordination that they could not continue in an unmarried State, they might Marry, and yet continue in their Office, having in that Caſe the Biſhop's Licence and Permiſſion to do it. And though the Council of *Neo-Cæſarea* in one Canon forbids [*w*] unmarried Presbyters to Marry after Ordination; yet ſuch as were Married before Ordination, are allowed

[*s*] Socrat. Lib. 2. c. 43. πρεσβυτέρᾳ γυναῖκα ἔχοντος ἦν νόμῳ καινὸς ὢν ἠγάγετο τῷ εὐλογίαν καὶ τῷ κοινωνίαν ὡς μῦσος ἐκκλίνειν ἐκέλευε. [*t*] Conc. Gangr. c. 4. εἴ τις διακρίνοιτο ἀπὸ πρεσβυτέρᾳ γεγαμηκότος, ὡς μὴ χρῆναι λειτουργήσαντος αὐτῷ προσφορᾶς μεταλαμβάνειν, ἀνάθεμα ἔστω. [*u*] Conc. Ancyr. c. 10. εἰ διαμαρτύραντο καὶ ἔφασαν χρῆναι γαμῆσαι, μὴ δυνάμενοι οὕτως μένειν, οἵτοι μετὰ ταῦτα γαμήσαντες ἔστωσαν ἐν τῇ ὑπηρεσίᾳ, &c. [*w*] Conc. Neo-Cæſar. 1.

allowed by another Canon to continue [x] without any Cenſure, being only oblig'd to ſeparate from their Wives in caſe of Fornication. The Council of *Eliberis* [y] indeed, and ſome others in this Age began to be a little more rigorous toward the married Clergy: But it does not appear that their Laws were of any great Force: For *Socrates* [z] ſays, even in his Time in the Eaſtern Churches many eminent Biſhops begat Children of their lawful Wives; and ſuch as abſtained, did it not by Obligation of any Law, but their own voluntary Choice. Only in *Theſſaly*, *Macedonia* and *Hellas*, the Clergy were obliged to abſtain under Pain of Eccleſiaſtical Cenſure; which, he ſays, was occaſioned by Biſhop *Heliodore*'s writing his Book called, *His Ethiopicks*. So that as yet there was no univerſal Decree againſt married Biſhops in the *Greek* Church, much leſs againſt Presbyters and Deacons. But the Council of *Trullo*, *An.* 692. made a Difference between Biſhops and Presbyters, allowing Presbyters, Deacons and all the inferior Orders to cohabit [a] with their Wives after Ordination; and giving the *Roman* Church a ſmart Rebuke for the contrary Prohibition: But yet laying an Injunction upon Biſhops [b] to live ſeparate from their Wives, and appointing the Wives [c] to betake themſelves to a Monaſtick Life, or become Deaconeſſes in the Church. And ſo the Matter was altered in the *Greek* Church, as to Biſhops, but not any others. In the *Latin* Church alſo the Alteration was made, but by ſlow Steps in many Places: For in *Africk* even Biſhops themſelves cohabited with their Wives at the Time of the Council of *Trullo*, as appears from one

[x] Ibid. c. 8. [y] Conc. Elib. c. 33. Conc. Arelat. 2. c. 2. [z] Socrat. Lib. 5. c. 22. [a] Conc. Trull. c. 13. [b] Ibid. c. 12. [c] Ibid. c. 48.

one of the fore-mention'd [*d*] Canons of that Council. But it is beyond my Deſign to carry this Enquiry any farther; what has been already ſaid being ſufficient to ſhew, that the married Clergy were allowed to officiate in the firſt and primitive Ages; and that Celibacy in thoſe Times was no neceſſary Condition of their Ordination, as is falſly pretended by the polemical Writers of the preſent Church of *Rome*. I have now gone through the ſeveral Qualifications of the ancient Clergy, concerning which Enquiry was made before their Ordination. I come now in the next Place to conſider the Solemnity of the thing it ſelf, together with the Laws and Cuſtoms which were generally obſerved at the Time of Ordination.

[*d*] Conc. Trull. c. 12.

CHAP. VI.

Of the Ordinations of the Primitive Clergy, and the Laws and Cuſtoms generally obſerved therein.

Sect. 1. *The Canons of the Church to be read to the Clerk, before the Biſhops ordained him.*

WHEN the Election of a Perſon duly qualified according to the forementioned Rules was made, then it was the Biſhop's Office, or the Metropolitan's, if the Party elect was himſelf a Biſhop, to ordain him. But before they proceeded to Ordination, there were ſome other Laws and Rules to be obſerved: For not to mention here again the Oath againſt *Simony*, and the Subſcriptions, which I have

I have ſhewed before [*], were anciently required of Perſons to be Ordained: I muſt not forget to Note, that in the *African* Church a Rule was made in the 3d Council of [*a*] *Carthage*, and thence transferred into the *African* [*b*] *Code*, That before any Biſhop, or other Clergy-man was Ordained, the Ordainers ſhould cauſe the Canons of the Church to be read in his hearing, that they might not have cauſe to repent afterward, that they had Tranſgreſſed any of them. This Rule was made at the Inſtance and Requeſt of St. *Auſtin*, as *Poſſidius* [*c*] notes in his Life, who ſays, that becauſe he was Ordained Biſhop of *Hippo* while *Valerius* was alive; which was contrary to the Rule of the Council of *Nice*, which he was Ignorant of at the Time of his Ordination; he therefore prevailed with the *African* Fathers to make a Decree, that the Canons of the Church ſhould be Read at every Man's Ordination. This Rule implied a Tacit Promiſe, that the Party Ordain'd would obſerve the Canons that were read to him: But for greater Security it was afterward improved into an Explicit Promiſe by a Law of *Juſtinian* [*d*], which requires every Clerk after the Reading of the Canons to profeſs, that as far as it was poſſible for Man to do, he would fulfill what was contain'd in

[*] *See Chap.* 3. *Sect.* 2. *and* 14. [*a*] Conc. Carth. 3. c. 3. Placuit, ut Ordinandis Epiſcopis vel Clericis prius ab Ordinatoribus ſuis Decreta Conſiliorum auribus eorum inculcentur; ne ſe aliquid contra ſtatuta Concilii feciſſe pœniteat. [*b*] Cod. Eccleſ. Afr. c. 19. [*c*] Poſſid. Vit. Aug. c. 8. Quod in ſeipſo fieri non debuiſſe, ut vivo ſuo Epiſcopo Ordinaretur, poſtea & dixit & ſcripſit, propter Concilii Univerſalis vetitum, quod jam Ordinatus didicit: Nec quod ſibi factum eſſe doluit, aliis fieri voluit. Unde etiam ſategit, ut Conciliis conſtitueretur Epiſcoporum, ab Ordinatoribus deberi Ordinandis, vel Ordinatis, omnium ſtatuta ſacerdotum in notitiam eſſe deferenda. [*d*] Juſtin. Novel. 6. c. 1. n. 8.

in them. Whence, no doubt, came those later Forms of professing Obedience to the Canons of the Seven general Councils in the *Greek* Church; and the Oath to St. *Peter* taken by the Bishops of *Rome* in the *Latin* Church, that they would observe the Decrees of the Eight general Councils. The first of which Forms may be seen at length in *Habertus* [e], and the other in *Baronius* [f], and the Book called *Liber Diurnus*, by the Reader that is curious to consult them.

Sect. 2. *No Clerk to be ordained ἀπολελυμένως.*

2*dly*, Another Rule to be observed in this Case was, That every Man should be fixed to some Church at his Ordination, and not be left at liberty to minister where-ever he would, because of several Inconveniences that attended that Practice. This Rule concerned Bishops as well as the inferior Clergy: For the *Nullatenenses* of later Ages, as *Panormitan* calls *Titular* and *Utopian* Bishops, were rarely known in the primitive Church. For though every Bishop was in some Sense ordained Bishop of the Catholick Church, as I have shewed before; yet for Orders sake he was always confined to a certain District in the ordinary Exercise of his Power: And so Presbyters and all other inferior Clergy were confined to the Diocese of their own Bishop, and might not be ordained, unless they had some Place wherein to exercise their Function. This was the ancient Custom of the Church, which the Council of *Chalcedon* confirmed by a Canon, That no Presbyter, or Deacon, or any other Ecclesiastick should be ordained [g] at large, but be assigned either to the City-Church,

[e] Habert. Archieratic. p. 496. [f] Baron. an. 869. Tom. 10 p. 433. [g] Conc. Chalced. c. 6. μηδένα ἀπολελυμένως χειροτονεῖσθαι —— εἰ μὴ ἰδικῶς ἐν ἐκκλησίᾳ πόλεως, ἢ κώμης, ἢ μαρτυρίῳ ἢ μοναστηρίῳ ἐπικηρύττοιτο.

or ſome Church or Oratory in the Country, o a Monaſtery: Otherwiſe his Ordination to be Nu and Void. This the *Latins* called *Ordinatio Locali* and the Perſons ſo Ordained *Locales*, from thei being fixed to a certain Place. As in the Counci of *Valentia* [*h*] in *Spain* we find a Canon, that obli ges every Prieſt before his Ordination to give Promiſe that he will be *Localis*; to the intent tha no one ſhould be permitted to tranſgreſs the Rule and Diſcipline of the Church with Impunity which they might eaſily do, if they were allowe to rove about from one Place to another. This i the Stile of *Leo* Biſhop of *Rome*, is Ordination [i] founded upon a Place, or as we would ſay now a Title; without which, he ſays, the Ordination was not to be look'd upon as Authentick. But i muſt be obſerved, that a Title then did not alway ſignify a Parochial Church, or diſtinct Cure, for this was a Rule before Dioceſes were divided into Pariſhes: But the Confinement laid upon Men at their Ordination was, that they ſhould be fixed to their own Biſhop's Dioceſe, and Officiate in the Place where he appointed them.

Sect. 3. *Exceptions to this Rule very Rare.*

There were indeed ſome few Exceptions to this Rule, but very Rare, and upon Extraordinary Occaſions. *Paulinus* and St. *Jerom* ſeem to have had the Privilege granted them, o being Ordained without Affixing to any Church.

Paulinus

[*h*] Conc. Valentin. c. 6. Nec ullum Sacerdotem quiſpiam ordinet, qui Localem ſe futurum primitus non ſpoponderit: Ut per hoc nullus a Regula vel Diſciplina Eccleſiæ deviare permittatur impune. [*i*] Leo Ep. 92. ad Ruſtic. c. 1. Vana eſt habenda Ordinatio, quæ nec Loco fundata eſt, nec Auctoritate munita.

Paulinus ſays [*k*] expreſly of himſelf, that he was Ordained Presbyter at *Barcelona* with this Condition, that he ſhould not be confined to that Church, but remain a Prieſt at large. And St. *Jerom* gives the ſame Account [*] of his own Ordination at *Antioch*; that he was Conſecrated Presbyter with Licence to continue a Monk, and return to his Monaſtery again. *Sozomen* [*l*] relates the like of *Barſes* and *Eulogius*, two Monks of *Edeſſa*, that they were both Ordained Biſhops, not of any City, but only Honorary Biſhops within their own Monaſteries, out of reſpect to their eminent Vertues. And it was ſuch a ſort of Ordination, that *Theodoret* [*m*] ſays *Flavian* Biſhop of *Antioch* gave to *Macedonius* the famous *Syrian Anchoret*, whom he drew from his Cell in the Deſart, only to Ordain him Presbyter, and ſo let him return to the Deſart again. Theſe are all the Inſtances of this kind which I remember in ancient Hiſtory. It was not as yet the Cuſtom to Ordain Biſhops *Partibus Infidelium*, that never meant to ſee their Biſhopricks. Though after Ages deſpiſed this Rule, as *Zonaras* [*n*] complains of the *Greek* Church, and *Habertus* [*o*] cannot but lament it in the *Latin*; yet the ancient Church was more punctual in obſerving the Laws, ſcarce ever Ordaining either Biſhop or Inferior Clerk without fixing them to a certain Dioceſe, from which without the Conſent of their Superiors they were not to remove to any other.

[*k*] Paulin. Ep. 6. ad Sever. p. 101. Ea conditione in Barcinonenſi Eccleſia conſecrari adductus ſum, ut ipſi Eccleſiæ non alligarer; in ſacerdotium tantum Domini, non in locum Eccleſiæ dedicatus. [*] Hieron. Ep. 62. ad Pammach. Tom. 2. p. 181. [*l*] Sozom. Lib. 6. c. 34. [*m*] Theod. Hiſtor. Relig. c. 13. Tom. 3. [*n*] Zonar. Not. in Conc. Chalced. c. 6. [*o*] Habert. Archieratic. p. 351.

Sect. 4.
No Biſhop to Ordain another Man's Clerk without his Conſent.

3*dly*, And from hence aroſe a Third Rule about Ordinations, that no Biſhop ſhould ordain or admit into his Church any Clerk belonging to another Church, without the Conſent of the Biſhop to whom he formerly belonged. The Councils [*p*] are very peremptory in this Decree; particularly the great Council of *Nice* [*q*], and that of *Sardica* [*r*], and the ſecond of *Arles* [*s*], declare all ſuch Ordinations null and void. The firſt Council of *Carthage* [*t*] extends the Prohibition even to Laymen belonging to another Dioceſe: For it Decrees, that as no Clerk ſhall be receiv'd by another Biſhop without the Letters Dimiſſory of his own Biſhop; ſo neither ſhall any Biſhop take a Layman out of another People, and Ordain him, without the Conſent of that Biſhop, out of whoſe People he is taken. The Reaſon of which Laws was, that every Biſhop was ſuppoſed to have a peculiar Right in all the Clergy and People of his own Dioceſe; and it was very conducive to the Peace and good Order of the Church to have ſuch Rules maintain'd and obſerved. Only in the *African* Church the Biſhop of *Carthage* was allowed a Privilege in this Caſe, as he was Exarch or Primate of all the *African* Provinces. For by ancient Cuſtom, confirmed by a Canon in the 3d Council of *Carthage* [*u*], which is alſo inſerted into the

[*p*] Vid. Conc. Carthag. 3. c. 21. Conc. Chalced. c. 20. Arauſian. 1. c. 8. 9. [*q*] Conc. Nic. c. 16 ἀκύρους ἔσω ἡ χειροτονία: [*r*] Conc. Sardic c. 15. [*s*] Conc. Arelat 2. c. 13. Si aliquis, invito Epiſcopo ſuo, in aliena Eccleſia habitans, ab Epiſcopo loci Clericus fuerit Ordinatus, hujuſmodi Ordinatio irrita habeatur. [*t*] Conc. Carth 1. c. 5. Non licere Clericum alienum ab aliquo ſuſcipi ſine Literis Epiſcopi ſui, neque apud ſe retinere, nec Laicum uſurpare ſibi de Plebe aliena, ut eum Ordinet ſine Conſcientia ejus Epiſcopi, de cujus Plebe eſt. [*u*] Concil. Carth. 3. c. 45.

the *African Code* [*w*], the Biſhop of *Carthage* is allowed to take a Clerk out of another Church, and Ordain him for the Service of any Church under his Juriſdiction. But an Exception in his particular Caſe confirms the Rule in all the reſt.

Sect. 5. *No Biſhop to Ordain in another Mans Dioceſe.*

4*thly*, Another Rule for the Preſervation of Order in this Affair was, that every Biſhop ſhould confine himſelf to his own Church, and not aſſume to himſelf the Power of Ordaining in the Dioceſe of another Man. So the Council of *Antioch* [*x*], and thoſe called the Apoſtolical Canons [*y*] determined, that a Biſhop ſhould not preſume to Ordain out of his own Bounds, in Cities or Countries not ſubject to him. St. *Auſtin* had occaſion to inſiſt upon this Rule in the Caſe of *Pinianus*, when the People of *Hippo* required him to Ordain him Presbyter againſt his Will, and threatned that if he would not, they would have another Biſhop to Ordain him: St. *Auſtin* told [*z*] them, that no Biſhop could Ordain him in his Church without firſt asking his Leave and Permiſſion; and that having given him a Promiſe, that he would not Ordain him againſt his Will, he could not in Honour conſent that any other Biſhop ſhould come and Ordain him. *Socrates* [*a*] ſays, *Epiphanius* took upon him to Ordain a Deacon in the Dioceſe of *Chryſoſtom* at *Conſtantinople*: But *Chryſoſtom* told him, that he acted contrary to Canon, in Ordaining in

[*w*] Cod. Can. Afric. c. 55. περὶ τὸ ἐξεῖναι τῷ ἐπισκόπῳ Καρχηδόνος, ὅθεν θέλει, κλήρικον χειροτονεῖν. [*x*] Conc. Antioch. c. 22. [*y*] Canon. Apoſt. c. 35. ἐπίσκοπον μὴ τολμᾶν ἔξω τῆς ἑαυτοῦ ὅρων χειροτονίας ποιεῖσθαι εἰς τὰς μὴ ὑποκειμένας αὐτῷ πόλεις καὶ χώρας. [*z*] Aug. Ep. 225. ad Albinam Dicebam ego quibus poteram, qui ad nos in Abſidem Honoratiores & graviores aſcenderant, nec à promiſſi fide me poſſe dimoveri, nec ab alio Epiſcopo in Eccleſia mihi tradita niſi me interrogato ac permittente, poſſe Ordinari. [*a*] Socrat. Lib. 6. c. 12, & 14.

Churches that were not under his Juriſdiction. Which ſhews, that this was an univerſal Law, prevailing both in the Eaſtern and Weſtern Churches. And by the ſame Rule all Metropolitans with their Provincial Biſhops were confined to their own Province, and might not Ordain any Biſhop in another Province, except they were invited by the Biſhops of that Province to come and give them their Aſſiſtance. Which Rule was made in the general Council [*b*] of *Conſtantinople*, and confirmed in the Council of *Epheſus* [*c*], upon the Controverſy that aroſe between the Churches of *Cyprus* and the Patriarch of *Antioch*, who laid Claim to the Power of Ordinations in thoſe Churches, but was rejected in his Claim, becauſe they were out of his Diſtrict, and under another Juriſdiction. But it is to be obſerved, that theſe Rules were only made for Ordinary Caſes, to preſerve Peace and a good Underſtanding among the Biſhops of the Church, whilſt every one acted in his proper Sphere, and kept to thoſe Bounds and Limits which the Laws appointed. For otherwiſe, as I have ſhew'd heretofore [*], every Biſhop was a Biſhop of the whole Catholick Church, and in that Capacity authorized to Ordain, or perform any other Acts of the Epiſcopal Office in any part of the World upon urgent Neceſſity and extraordinary Occaſions. As *Athanaſius* and *Euſebius Samoſatenſis* did in the Times of the great Prevalency of the *Arian* Hereſy; Ordaining Biſhops and Presbyters in any Province or Dioceſe (though contrary to the Letter of this Law) in order to preſerve the Catholick Faith, and a Succeſſion of Orthodox Men in the Service of the Church. So that this was only a Rule for Common and Ordinary

[*b*] Conc. Conſtant. c. 2. [*c*] Conc. Epheſ. Act. 7. Decret. de Epiſc. Cypr. [*] *Book 2. Chap. 5.*

Ordinary Caſes. And in *Cyprus*, *Epiphanius* [*d*] ſays, they did not inſiſt upon the Rule at all one among another, but any Biſhop Ordain'd in any other Man's Dioceſe, as Occaſion requir'd, without Breach of Charity; for they gave a ſort of general Leave to one another, as finding it moſt expedient for the Church in that Province to uſe ſuch a Liberty among themſelves; though they ſtiffly maintained their Privilege againſt the Encroachments of all foreign Sees, and more eſpecially that of *Antioch*.

Sect. 6. *The Original of the Four Solemn Times of Ordination.*

The next things to be noted in this Affair, are ſuch as concern the Time and Place of Ordination. Concerning the Time there may ſeveral Enquiries be made. 1. Whether they had Originally any ſet and conſtant Times of Ordination, as the Church now has Four times a Year? 2. Whether *Sunday* was always the Day of Ordination? 3. Whether Ordinations were always confin'd to Morning-Service? As to the firſt Enquiry, it does not certainly appear, that the Church had any conſtant Annual Times of Ordination before the 4th Century. For *Habertus* truly obſerves [*e*], that then it was more uſual to ordain Men ſingly, as the preſent Occaſions of every Church required. Pope *Leo* indeed [*f*] derives the *Jejunia quatuor temporum*, the Faſts of the Four Seaſons of the Year, which are now commonly called *Ember-Weeks*, from Apoſtolical Tradition.

[*d*] Epiphan. Ep. ad Johan. Hieroſolym. T. 2. p. 313. Multi Epiſcopi communionis noſtræ Presbyteros in noſtra ordinaverunt Provincia, &c. [*e*] Habert. Archieratic. Par. 8. Obſerv. 4. p. 130. Tunc ſinguli, & quidem rari, non vero tam multi ac hodie ordinabantur. [*f*] Leo Serm. 2. de Jejun. Pentecoſt. p. 77. It. Serm. 9. de Jejun. 7. Menſis, ſive de Jejunio quatuor Temporum. p. 88. It. Serm. 7.

But as Mr. *Pagi* [g] and *Queſnel* [h] in their Cenſures of that Author obſerve, there is nothing more uſual with him, than to call every thing an Apoſtolical Law, which he found either in the Practice of his own Church, or decreed in the Archives of his Predeceſſors *Damaſus* and *Siricius*. So that all other Authors before *Leo* being ſilent upon this Matter, we can lay no great Streſs upon his Authority for it. Beſides, he does not ſo much as once intimate, that theſe Faſts were appointed upon the Account of any ſet and ſolemn Times of Ordinations, but upon other more general Reaſons. So that it is not certain, that the Church had any fixt Times of Ordination when *Leo* wrote, *An.* 450. And in the Ages before it is more evident ſhe had not. For as to Biſhops, it is certain the Church never confined her ſelf to any ſet Times for the Ordination of them; but aſſoon as any Biſhop was Dead, another was Choſen and Ordained in his Room with all convenient Speed; and in ſome Places this was done within a Day or two after his Deceaſe, as has been ſhewed in a former [*] Book. As to Presbyters and Deacons, and others below them, it is evident alſo, that for the three firſt Ages they were Ordained at all Times, as the Occaſions of the Church required. *Cyprian* Ordained *Aurelius* a Reader upon the 1ſt of *December*, as Biſhop *Pearſon* [i] computes by the Critical Rules of Calculation; and he Ordain'd *Saturus* a Reader, and *Optatus* a Subdeacon in the Month of *Auguſt* [k]; neither of which were ſolemn Times of Ordination. *Paulinus* who lived in the 4th Century, was Ordained

[g] Pagi Critic. in Baron. An. 67. n. 15. [h] Queſnel ap. Pagi ibid. [*] *Book* 2. *Chap.* 11. *Sect.* 2. [i] Pearſon. Annal. Cypr. An. 250. n. 20. p. 25. [k] Pearſon. ibid. n. 15.

ed on *Chriſtmas-Day*, as he himſelf [*l*] informs us: Yet neither was that one of the four Days, which afterwards became the ſtated Times of Ordination. The *Roman* Pontifical under the Name of *Damaſus*, in the Life of almoſt every Biſhop, takes Notice of the Ordinations which they made in the *Roman* Province, of Biſhops, Presbyters, and Deacons, during their whole Life; and always the Ordinations are ſaid to be made in the Month of *December*. Which, if that Book were of any great Authority, would prove, that there was one fix'd Time of Ordination at *Rome*; but not four. But I confeſs, the Credit of that Book cannot much be depended upon for the Hiſtory of the Primitive Ages one way or other; it being of much later Date than the Title pretends; and perhaps the Author only ſpake of ancient things according to the Cuſtom of his own Times, when one of theſe four Times might be brought into Uſe: Which ſeems to have been before the Time of *Simplicius*, *An.* 467. For the Pontifical in his Life [*m*] adds *February* to *December*; as it does alſo in the Life of *Gelaſius*. And in one of the Decrees of *Gelaſius* [*n*] there are no leſs than five ſtated Times of Ordination appointed, *viz.* *June*, *September*, *December*, the Beginning of *Lent*, and the Middle of *Lent*, and *Saturday* in the Evening in all theſe Times to be the preciſe Time of Ordination.

[*l*] Paulin. Ep. 6. ad Sever. p. 101. Die Domini, quod naſci carne dignatus eſt, repentina vi multitudinis—— Pesbyteratu initiatus ſum. [*m*] Pontifical. Vit. Gelaſ. Hic fecit Ordinationes in Urbe Roma tres, per Menſem Decembrem & Februarium. [*n*] Gelaſ. Ep. 9. ad Epiſc. Lucaniæ. c. 11. al 13. Ordinationes etiam Presbyterorum & Diaconorum niſi certis temporibus & diebus exerceri non debent, id eſt, Quarti Menſis Jejunio, Septimi, & Decimi, ſed & etiam Quadrageſimalis initii, ac Mediana Quadrageſimæ die, Sabbati Jejunio circa Veſperam noverint celebrandas.

Ordination. *Amalarius Fortunatus* [o] takes notice of the Change that was made in the Time of *Simplicius*, telling us, that all the Biſhops of *Rome* before *Sulpicius* made their Ordinations always in the Month of *December*, and that he was the firſt that Ordained in *February*. Which no doubt he had from the forementioned Paſſages of the Pontifical, which in ſome Places ſpeaks of one, and in others of two ſolemn Times of Ordination, but never of four: Which argues, that theſe four were not as yet determined, when that Book was written, which with the Interpolations that it has now was not till after the Time of *Juſtinian*, as learned Men generally agree. So that I leave it to farther Enquiry, whether there were any ſuch fixed Times of Ordination in the Church of *Rome* as theſe Authors mention, for four or five of the firſt Centuries. In other Churches we read of none, but the Inſtances that have been produced rather prove the contrary. The inquiſitive Reader will be able to furniſh himſelf with many other ſuch Inſtances, from which it may be concluded, that the Times of Ordination were not fixt for four of the firſt Centuries, ſince no ancient Writer within that Space makes any mention of them. And therefore there is no Neceſſity, with *Baronius* [p], and *Bellarmine* [q], to make the *Jejunia quatuor temporum* an Apoſtolical Tradition but it is ſufficient to ſpeak of them as an uſeful Order of the Church, founded upon Eccleſiaſtical Inſtitution ſome Ages after.

The

[o] Amalar. de Offic. Eccl. Lib. 1. c. 1. Primi Apoſtolici ſemper in Decembrio Menſe Conſecrationes miniſtrabant uſque ad Simplicium, qui fuit à Petro Quadrageſimus nonus. Ipſe primus ſacravit in Februario. [p] Baron. An. 57. n. 209. [q] Bellarm. de Verbo Dei non ſcripto Lib. 4. c. 3. p. 206.

Sect. 7. *Ordinations indifferently given on any Day of the Week for three Centuries.*

The ſame muſt be ſaid in anſwer to the 2d Queſtion, Whether *Sunday* was always the Day of Ordination? It is evident, that for the three firſt Centuries it was not. For Mr. *Pagi* has unanſwerably proved [*r*] againſt *Papebrochius*, from the moſt certain Rules of Chronology, that before the Time of *Conſtantine* the Ordinations of the Biſhops of *Rome* themſelves were perform'd indifferently upon any Day of the Week, and that the affixing them to the Lord's Day and other ſolemn Feſtivals was the Buſineſs of the 4th Century. So that when Pope *Leo* [*s*] ſays, that ſuch Ordinations as were made upon other Days than *Sundays*, were againſt the Canons and the Tradition of the Fathers, he is to be underſtood as before, to mean only the Cuſtoms of his own Time; if yet it was the Cuſtom when *Leo* lived: For there is ſome Reaſon to doubt of the Authority either of *Leo*'s Epiſtle, or that of *Gelaſius*, who lived not long after. For *Gelaſius* ſays [*t*] the Ordinations of Presbyters and Deacons were to be made on *Saturday* in the Evening. So that either one of theſe Epiſtles is ſpurious, or elſe the Cuſtom varied in the ſame Century in the Church of *Rome*.

Sect. 8. *The Ceremony uſually perform'd in the Time of the Oblation at Morning-Service.*

I confeſs *Gelaſius* is ſingular in that Part of his Decree, which fixes Ordinations to Evening-Service. For though the Ancients were not always preciſe to a certain Day of the Year, or a certain Day of the Week; yet they more punctually obſerved the Time of the Day, to give

[*r*] Pagi Critic. in Baron. An. 67. n. 14, & 16. [*s*] Leo Ep. 91. ad Dioſcorum c. 1. [*t*] Gelaſ. Ep. 9. ad Epiſc. Lucan. c. 11. Ordinationes Sabbati Jejunio circa Veſperam noverint celebrandas.

give Ordinations at Morning-Service. This was a very ancient Rule of the Church, as we may learn from the Objection that was made againſt *Novatian*, that among his other Irregularities he was Ordained at an uncanonical Hour, ὡσὰ δεκάτῃ at ten a Clock, or four in the Afternoon, as *Cornelius* [*u*] in his Epiſtle to *Fabian* lays the Charge againſt him. The Council of *Laodicea* is ſtill more punctual to the Time, that Ordinations ſhould not be given while the Hearers and Catechumens [*w*] were preſent, but at the Time of the Oblation. The Reaſon of which was, that the Perſon Ordained might either Conſecrate, or at leaſt participate of the Euchariſt at the Time of his Ordination. Whence *Theodoret* ſpeaking of the Ordination of *Macedonius* the *Anchoret*, ſays, it was done [*x*], τῆς μυσικῆς ἱερουργίας πεγκειμένης, in the Time of the Myſtical, that is, the Communion-Service. And ſo *Epiphanius* [*y*] repreſents the Ordination of *Paulinianus*, St. *Jerom*'s Brother, whom he Ordain'd Preſbyter, whilſt he Miniſtred in the Holy Sacrifice of the Altar. But this is to be underſtood chiefly, if not only, of the three Superior Orders of Biſhops, Presbyters and Deacons: For as to the reſt, it was indifferent what Time they were Ordained, ſo long as it was in the Church in any Part of Divine Service.

Sect. 9. *The Church the only Regular Place of Ordination.*

But out of the Church no Ordination could be regularly performed. Though there was this Difference between the Superior and Inferior Orders, that the one were conferr'd within the Sanctuary, or Altar-Part, and the other

[*u*] Ap. Euſeb. Lib. 6. c. 43. [*w*] Conc. Laodic. c. 4. περὶ τῶ μὴ δεῖν τὰς χειροτονίας ἐπὶ παρουσίᾳ κηρυσσομένων γίνεδα. [*x*] Theod. Hiſt. Relig. c. 13. [*y*] Epiphan. Ep. ad Johan. Hieroſol. Cum miniſtraret in ſanctis ſacrificiis, ordinavimus Presbyterum.

other without; yet they both agreed in this, that the Church was ſtill the proper Place to give Birth to all ſuch Orders, as were to be employed in any Eccleſiaſtical Service. And therefore *Gregory Nazianzen* [z] juſtly upbraids *Maximus* the Cynick, who intruded himſelf into his See of *Conſtantinople*, that being excluded from the Church, he was Ordained in the Houſe of a Minſtrel. Which was alſo objected to *Urſinus*, who was Competitor with *Damaſus* for the See of *Rome*, that he was not Ordained [a] in a Church, but in an obſure Corner of the Hall called *Sicona*.

Sect. 10. *Ordination received kneeling at the Altar.*

As to the Ceremonies uſed in the Act of Ordination it ſelf, beſide what has been noted before in ſpeaking of each particular Order, it will be proper to obſerve ſome things of them in general. As Firſt, That the Ordinations of Biſhops, Presbyters, and Deacons were always received Kneeling before the Altar. So the Author under the Name of *Dionyſius* [b] repreſents the Matter in his Rationale upon the Churches Service. And *Theodoret* mentions it [c] as the Cuſtomary Rite, when ſpeaking of the Ordination of a Biſhop, he ſays, they brought him to the Holy Table, and made him kneel on his Knees by Force.

Sect. 11. *Given by Impoſition of Hands and Prayer.*

Secondly, The Solemnity it ſelf in giving the Superior Orders was always performed by Impoſition of Hands and Prayer. Which is evident from St. *Jerom*, who ſays, that Impoſition of Hands was therefore added to compleat the Ordinations

[z] Naz. Carm. de Vita. p. 15. εἰς γὰρ χεφαλὴ λυπρὸν δικητήριον, κυνῶν πυπτοῖσι τὸν κάκιστον ποιμένα. [a] Socrat. Lib. 4. c. 29. [b] Dionyſ. de Hierarch. Eccl. c. 25. Contempl. 3 n. 7, & 8 [c] Theod. Lib. 4. c. 15.

dinations [*d*] of the Clergy, leſt any one by a ſilent and ſolitary Prayer ſhould be Ordained without his Knowledge. *Gregory Nyſſen* [*e*] indeed tells us a very ſtrange Story of the Ordination of *Gregory Thaumaturgus*, how *Phædimus* Biſhop of *Amaſea* Ordain'd him only by Prayer without Impoſition of Hands: For he was abſent, being fled to the Wilderneſs to avoid Ordination: Notwithſtanding which *Phædimus* conſecrated him to the Biſhoprick of *Neo-Cæſarea*, which he afterwards accepted. But as a learned Man [*f*] conjectures, it is moſt likely that he had another Ordination; or if not, this Act muſt paſs for a ſingular Inſtance, contrary to the common Rule and eſtabliſhed Order of the Church. The *Greeks* call this Impoſition of Hands both χειροτονία, and χειροθεσία, as may be ſeen in the Canons of the Council of *Nice* [*g*] and *Chalcedon*. Yet ſometimes thoſe Words are diſtinguiſhed, as in the Author of the Conſtitutions, where [*h*] he ſays, πρεσβύτερος χειροθετεῖ, ὐ χειροτονεῖ, a Presbyter gives Impoſition of Hands, but does not Ordain. Where it is plain, that Impoſition of Hands means not Ordination, but ſome other Benediction of the Church, wherein Impoſition of Hands was uſed, as well as in Ordination. Neither does χειροτονία always ſignify Ordination in ancient Writers; tho' it does moſt commonly ſo, as *Fronto Ducæus* [*i*] and other learned Perſons have ſhew'd: But ſometimes it denotes no more than Deſignation or Election, as

[*d*] Hieron. Lib. 16. in Iſai. c. 58. p. 265. χειροτονία, id eſt, Ordinatio Clericorum non ſolum ad imprecationem vocis, ſed ad Impoſitionem impletur manus: Ne ſcilicet vocis imprecatio clandeſtina Clericos ordinet neſcientes. [*e*] Nyſſen. Vit. Greg. Thaum. Tom. 3. p. 544. [*f*] Cave Hiſt. Literar. Vol. 1. p. 94. [*g*] Conc Nic. c. 19. Chalced. c. 15. [*h*] Conſtit. Apoſt. Lib. 8. c. 28. [*i*] Fronto Ducæ. Not. in Chryſoſt. Hom. 1. ad Pop. Antioch. p. 1.

as when *Ignatius* uſes the Phraſe, χειροτονῆσαι Θεοπρεσβύτην [*k*], only to ſignify the Election or Appointment of a Meſſenger to go upon an Errand of the Church. Which I note to caution the Reader againſt Miſtakes committed by ſome Authors, who confound Ordinations with Elections, for want of diſtinguiſhing the critical Senſes of Words, as the Subject Matter requires.

Sect. 12. *The Sign of the Croſs uſed in Ordination.*

I muſt farther obſerve, that as the Sign of the Croſs was uſed upon many Occaſions by the Primitive Chriſtians, ſo particularly in their Ordinations. Which we learn from *Chryſoſtom*, who more than once mentions it upon this occaſion. If, ſays he, we are to be regenerated, the Croſs is uſed, *viz.* in Baptiſm; or if we [*l*] are to eat the Myſtical Food, the *Euchariſt*; or to receive an Ordination, we are Signed with the Sign of the Croſs. Upon this Account *Suicerus* [*m*] notes out of the Author under the Name of *Dionyſius*, that the Impoſition of Hands in Ordination was called σφραγὶς, Conſignation, and σταυροειδὴς σφραγὶς, Conſignation in Form of a Croſs [*n*], becauſe the Sign of the Croſs was made on the Head of him that was Ordained.

As

[*k*] Ignat. Ep. ad Smyrn. n. 11. It. Ep. ad Philadelp. n. 10. Ep. ad Polycarp. n. 7. [*l*] Chryſ. Hom. 55. in Matth. κἂν ἀναγεννηθῆναι δέῃ, σταυρὸς παραγίνεται καὶ τραφῆναι τὴν μυστικὴν ἐκείνην τροφήν· καὶ χειροτονηθῆναι, &c. [*m*] Suicer. Theſaur. Voce σφραγὶς Tom. 2. p. 1199. [*n*] Dionyſ. de Hierarch. Eccl. c. 5. p. 312, & 314.

Sect. 13. *But no Unction, or the Ceremony of delivering Veſſels into the Hands of Presbyters and Deacons.*

As to the Ceremony of Unction, I have already had occaſion to ſhew its Novelty [*] in another Place; together with the Cuſtom of delivering ſome of the Holy Veſſels into the Hands of the Perſon Ordained. Which *Habertus* ſays was never uſed in giving any of the ſuperior Orders, but only the Inferior, by the Rule of the 4th Council of *Carthage*, which makes That the chief Part of their Ordination. Though *Habertus* [o] and ſome others queſtion the Authority of that very Council, and reckon all its Canons ſpurious. But that only by the way.

Sect. 14. *Ordinations concluded with the Kiſs of Peace.*

When the Ceremony of Conſecration was ended, it was uſual for the Clergy then preſent to ſalute the Perſon newly Ordained with the Kiſs of Peace [p]. And ſo being conducted to his proper Station belonging to his Office, if he was a Biſhop or a Presbyter, he made his firſt Sermon to the People. But of this, as it relates to Biſhops, I have given an Account before; as it relates to Presbyters in the *Greek* Church, where it was more uſual for Presbyters to Preach, the Reader may find Examples of ſuch Sermons among thoſe of *Chryſoſtom* [q] and *Gregory Nyſſen* [r], which they Preached upon the Day of their Ordination.

I

[*] *Book* 2. *Chap.* 91. *Sect.* 17. [o] Habert. Archieratic. p. 323. [p] Dionyſ. Hierarch. Eccl. c. 5. p. 267. Conſtitut. Apoſt. Lib. 8. c. 5. [q] Chryſ. Homil. cum Presbyter eſſet deſignatus. Tom. 4. p. 953. [r] Nyſſen. Hom. in ſuam Ordinat. Tom. 2.

Sect. 15. *The Anniverſary Day of a Biſhop's Ordination kept a Feſtival.*

I cannot omit to mention one thing more, which ſhould have been mentioned in another place, becauſe it was an Honour peculiarly paid to the Order of Biſhops; which was, That in many places the Day of their Ordination was ſolemnly kept among the Anniverſary Feſtivals of the Church. On theſe Days they had Church-Aſſemblies, and Sermons, and all the other Solemnities of a Feſtival. Which appears from St *Auſtin*'s Sermons, two of which [*s*] were preach'd upon the Anniverſary of his own Ordination; and in another [*t*] publiſh'd by *Sirmondus*, he alſo mentions the Day under the ſame Title of his own Anniverſary. In a fourth he ſpeaks alſo of the Anniverſary of *Aurelius* [*u*] Biſhop of *Carthage*, inviting the People to come and keep the Feſtival in *Baſilica Fauſti*, which was a noted Church in *Carthage*. Among the Homilies alſo of *Leo* Biſhop of *Rome*, the three firſt are upon the Anniverſary-day of his Aſſumption to the Pontificate. And a late Learned Critick [*w*] has obſerved, That in St. *Jerom*'s, and ſome other ancient Martyrologies, there ſometimes occur ſuch Feſtivals, under the Titles of *Ordinatio Epiſcopi, & Natale Epiſcopatus* N. that is, the Ordination or Birth-day of ſuch or ſuch a Biſhop. Which doubtleſs at firſt were the Anniverſaries of their Ordination; which They themſelves kept in their Life-time, and which were continued in Memory of them after Death. By which means

[*s*] Aug. Homil. 24 & 25. ex Quinquaginta. [*t*] Hom. 39. edit. à Sirmond. Tom. 13. p. 841 [*u*] Hom 32. de Verb. Dni. Dies Anniverſarius Ordinationis Domini Senis Aurelij craſtinus illuceſcit. Rogat & admonet per humilitatem meam Charitatem veſtram, ut ad Baſilicam Fauſti devotiſſime venire dignemini. [*w*] Pagi Critic. in Baron. an. 67. n. 14.

they came to be inſerted into the Martyrologies as ſtanding Feſtivals, denoting there neither the Day of their Natural Birth, nor their Death, (as ſome miſtake) but the Day of their Ordination, or Advancement to the Epiſcopal Throne. But of this more when we come to ſpeak of the Feſtivals of the Church.

CHAP. VII.

The Caſe of forced Ordinations and Re-Ordinations conſidered.

Sect. 1. *Forced Ordinations very frequent in the Primitive Church.*

FOR the Cloſe of this Book, I ſhall add ſomething concerning forced Ordinations, and Re-Ordinations, which were things that very often happened in the Primitive Church. For anciently, while Popular Elections were indulged, there was nothing more common than for the People to take Men by force, and have them ordained even againſt their Wills. For though, as *Sulpicius Severus* complains, many Men were too ambitious in courting the Preferments of the Church; yet there were ſome who ran as eagerly from them as others ran to them, and nothing but Force could bring ſuch Men to ſubmit to an Ordination. We have ſeen an Inſtance or two of this already in the Caſes of St. *Auſtin* [*] and *Paulinus*; and Eccleſiaſtical Hiſtory affords us many others: For, not to mention ſuch as only fled or abſconded to avoid Ordination, ſuch as *Cyprian* [*a*], and *Gregory*

[*] *See before, Chap.* 2. *Sect.* 8. [*a*] Pontius vit. Cypr.

Gregory Thaumaturgus [*b*], and *Athanaſius* [*c*], and *Evagrius* [*d*], *and* St. *Ambroſe* [*e*], there were ſome who were plainly ordained againſt their Wills; as *Nepotian*, of whom St. *Jerom* ſays, That when his Uncle *Heliodore* ordained him Presbyter, he wept [*f*] and lamented his Condition, and could not forbear expreſſing his Anger againſt his Ordainer, though that was the only time ever he had occaſion to do it. St. *Martin* Biſhop of *Tours* was ſo averſe from taking the Biſhoprick, that he was forc'd to be drawn out of his Cell by Craft, and carried under a Guard to his Ordination, as the Sacred [*g*] Hiſtorian informs us. And the Ordination of *Macedonius* the *Anchoret* by *Flavian* Biſhop of *Antioch* was ſo much againſt his Will, that they durſt not let him know what they were about, till the Ceremony was over; and when he came to underſtand that he was ordained Presbyter, he broke forth into a Rage againſt *Flavian* and all that were concerned in the Action, as thinking that his Ordination would have obliged him to another ſort of Life, and depriv'd him of his Retirement and Return to the Mountains. So *Theodoret* in his Lives of the Eaſtern *Anchorets* [*h*] relates the Story. And that this was a very common practice in thoſe Times, appears from what *Epiphanius* [*i*] ſays of the Cuſtom

[*b*] Greg. Nyſſen. vit. Greg. Thaumaturg. [*c*] Sozom. lib. 2. c. 17. [*d*] Socrat. lib. 4. c. 23. [*e*] Paulin. vit. Ambroſ. [*f*] Hieron. Ep. 3. Epitaph. Nepotian. Presbyter. ordinatur. Jeſu bone, qui gemitus, qui ejulatus, quæ cibi interdictio, quæ fuga oculorum omnium? Tunc primum & ſolum Avunculo iratus eſt. [*g*] Sulp. Sever. vit. St. Martin. lib. 1. p. 224. Diſpoſitis in itinere Civium turbis, ſub quadam Cuſtodia ad Civitatem uſque deducitur, &c. [*h*] Theod. Hiſt. Relig. c. 13. [*i*] Epiph. Ep. ad Johan. Hieroſol. Multi Epiſcoporum Communionis noſtræ & Presbyteros in noſtra ordinaverunt Provincia, quos nos comprehendere non puteramus, & miſerunt ad nos Diaconos & Hypodiaconos, quos ſuſcepimus cum Gratia.

in *Cyprus*, That it was usual in that Province for persons that fled to avoid Ordination by their own Bishop, to be seized by any other Bishop, and to be ordained by them, and then be return'd to the Bishop from whom they were fled. Which argues, that forc'd Ordinations in those times were both practised and allowed.

Sect. 2.
No excuse admitted in that Case, except a Man protested upon Oath that he would not be ordained.

Nor was it any kind of Remonstrance or Sollicitation whatsoever, which the party could make, that would prevent his Ordination in such Cases, except he chanced to protest solemnly upon Oath against Ordination. For in that Case he was to be set at liberty, and not to be ordained against so solemn a Protestation. This is evident from one of the Canons of St. *Basil*, which says, That they who swear they will not [*k*] be ordained, are not to be compelled to forswear themselves by being ordained. And this, I think, also may be collected from the Account which *Epiphanius* gives of his own Transaction with *Paulinianus*, St. *Jerom*'s Brother, upon such an Occasion. *Paulinianus*, he says, was one of those who fled from their Bishop for fear of Ordination; but providentially coming [*l*] where *Epiphanius* was, he caused him to be seized by his Deacons, not dreaming or suspecting any thing of Ordination; and when he came to it, he caused them to hold his Mouth, for fear he should have adjured him by the

[*k*] Basil. Ep. Canon. ad Amphiloch. c. 10. οἱ ὀμνύοντες μὴ κατα[illegible] χειροτονίαν, ἀξιόμνυμνοι μὴ ἀναγκαζέσθωσαν ἐπιορκεῖν. [*l*] Epiphan. ibid Ignorantem eum, & nullam penitus habentem suspicionem, per multos Diaconos apprehendi jussimus, & teneri os ejus, ne forte liberari se cupiens, adjuraret nos per nomen Christi, &c.

the Name of Chriſt to ſet him free. Thus he ordain'd him Deacon firſt, and Presbyter ſome time after in the very ſame manner. Which ſeems to imply, that if he had ſuffer'd him to have made his Proteſtation in the Name of Chriſt, he could not have proceeded to his Ordination: but it ſeems nothing elſe but ſuch an Adjuration was available to ſet him free. And that is a farther Argument that in thoſe Times men might be ordained againſt their Wills, and yet their Ordination ſtand good, and be accounted as valid as any others.

Sect. 3. *This Practice afterward prohibited by the Imperial Laws, and Canons of the Church.*

But in the next Age this Practice was prohibited, becauſe of ſeveral Inconveniencies that were found to attend it. The Emperors *Leo* and *Majorian* made a Law with *Sanctions* and *Penalties* to prevent it. For they decreed, that no one ſhould be ordained [*m*] againſt his Will. And whereas ſome Biſhops did impoſe the Burden of Orders upon Men againſt their Conſent, they granted liberty in that caſe, either to the party himſelf, or any other Accuſer, to bring an Action at Law againſt the Archdeacon, who was liable to be fin'd Ten Pounds of Gold, to be paid to the injur'd party, or to the Informers, or to the States of the City; the *Biſhop* alſo was to be cenſur'd by

[*m*] Leo. Novel. 2. in Append. Cod. Theod. Nonnullorum perſuaſio Sacerdotum reluctantibus onus iſtud imponit, &c. Eo ergo licentiam hujus præſumptionis excludimus, ut ſi quiſpiam probatus fuerit vi coactus ub ſcontumelia publica Clericatus Officiis ſucceſſiſſe, ſpontaneis accuſatoribus, vel ſi ipſe voluerit allegare perpeſſam licentiam, commodemus apud Judices competentes hujuſmodi admiſſa damnare, ut ſi inter Leges objecta conſtiterint, decem libras auri Archidiaconus cogatur inferre ei qui pertulerit exſolvendas: dehinc ſi ille deſiſtit, accuſatoris cenſibus & Civitatis ordini profuturas: Illo ſuæ reddito voluntati, qui coactus non potuit conſecrari, &c.

his Superiors, and the party ordained to be ſet at Liberty, as if he had never been ordained. Purſuant to this Law, *John* Biſhop of *Ravenna*, for a Tranſgreſſion of this kind, was threatned to be deprived of the Power of Ordination by *Simplicius* [*n*] Biſhop of *Rome*, *anno* 482. And the third Council of *Orleans* [*o*] *anno* 538. made a Decree for the *French* Churches, That if any Biſhop ordained a Clerk againſt his Will, he ſhould do Penance for the Fact a whole Year, and remain ſuſpended from his Office till that Term was expired. So great an Alteration was there made in one Age in the Rules and Practice of the Church, from what they had been in the former.

Sect. 4.
Yet a Biſhop ordained againſt his Will, had not the Privilege to relinquiſh.

But I muſt note, That after this Correction was made, there was ſtill ſome difference to be obſerved between the forc'd Ordination of a Biſhop, and that of an Inferior Clerk, Presbyter, Deacon, or any other. For, though the forementioned Imperial Law gave Liberty to all Inferiors ſo ordained, to relinquiſh their Office that was forced upon them, if they pleaſed, and betake themſelves to a Secular Life again; yet it peremptorily denied [*p*] this Privilege to Biſhops, decreeing that their Ordination ſhould ſtand good, and that no Action brought againſt their Ordainers ſhould be of force to evacuate or diſannul their Conſecration. Which ſeems to be grounded upon that ancient Rule of the Church, mentioned in the Council of *Antioch* [*q*] and confirmed

[*n*] Simplic. Ep. 2. ad Johan. Ravennat. [*o*] Conc. Aurelian. 3. c. 7. Epiſcopus qui invitum vel reclamentem præſumpſerit ordinare, annuali Pœnitentiæ ſubditas Miſſas facere non præſumat. [*p*] Leo. Novel. 2. ibid. Si qui ſane Epiſcopus invitus fuerit ordinatus, hanc Conſecrationem nulla violari accuſatione permittimus. [*q*] Conc. Antioch. c. 17.

firmed in the Council of *Chalcedon* [r], That if any Biſhop was ordained to a Church, to which he refuſed to go, he ſhould be excommunicated till he complied, or ſomething were determined in his Caſe by a Provincial Synod. Which ſeems to authoriſe the uſing a ſort of Violence in compelling Men to undergo the Burden of the Epiſcopal Function; agreeably to that other Law of *Leo* and *Anthemius* in the *Juſtinian Code* [s], which puts this among other Qualifications of a Biſhop, that he ſhall be ſo far from Ambition, as to be one rather that muſt be ſought for, and compelled to take a Biſhoprick. Such were anciently the Laws of Church and State relating to forc'd Ordinations.

Sect. 5. *Re-ordinations generally condemned.*

As to Re-Ordinations, before we can anſwer to the Queſtion about them, we muſt diſtinguiſh between the Orders that were given Regularly and Canonically by perſons rightly qualified in the Church, and ſuch as were given irregularly by perſons unqualified, or by Hereticks and Schiſmaticks out of the Church. As to ſuch Orders as were given regularly in the Church, they were ſuppoſed, like Baptiſm, to impreſs a ſort of Indelible Character, ſo as that there was no Neceſſity upon any Occaſion to repeat them; but on the contrary, it was deemed a Criminal Act ſo to do. The third Council of *Carthage*, following the ſteps of the Plenary Council of *Capua*, or *Capſa*, decreed, That it was equally unlawful [t] to Re-baptiſe and Re-ordain. And thoſe called the Apoſtolical [u] Canons

[r] Conc. Chalced. Act. 11. [s] Cod. Juſtin. lib. 1. tit. 3. de Epiſc. Leg. 31. Tantum ab ambitu debet eſſe ſepoſitus ut quæratur cogendus, &c. [t] Conc. Carth. 3. c. 38. In Capſenſi plenaria Synodo ſtatutum, quod non liceat fieri Rebaptizationes & Reordinationes, vel Tranſlationes Epiſcoporum. [u] Can. Apoſt. c. 67.

Canons make it Depoſition both for the Ordainer and Ordained to give or receive a ſecond Ordination. St. *Auſtin* [*w*] ſays, it was not the Cuſtom of the Catholick Church to repeat either Orders or Baptiſm: For Men did not loſe their Orders [*x*], as to the internal Character and Virtue, tho' they were ſuſpended from the Execution of their Office for ſome Miſdemeanor. *Optatus* [*y*] teſtifies the ſame, telling us, That *Donatus* was condemn'd in the Council of *Rome* under *Melchiades*, for Re-ordaining ſuch Biſhops as had lapſed in time of Perſecution; which was contrary to the Cuſtom of the Catholick Church. And others [*z*] accuſe the *Arians* upon the ſame Account, for Re-ordaining ſuch of the Catholick Clergy as went over to their Party.

Sect. 6. *The Propoſal made by* Cæcilian *to the* Donatiſts *examin'd.*

There is indeed a Paſſage in *Optatus* concerning *Cæcilian*, Biſhop of *Carthage*, which at firſt view ſeems to import as if *Cæcilian* had been willing to have ſubmitted to a Re-ordination: For *Optatus* [*a*] ſays, *Cæcilian* ſent this Meſſage to the *Donatiſt* Biſhops, That if *Felix* had given him no true Ordination, as they pretended, they ſhould ordain him again, as if he were ſtill only a Deacon. But St. *Auſtin*, who perhaps

[*w*] Aug. cont. Parmen. lib. 2. c. 13. In Catholica utrumque non licet iterari. [*x*] Id. de Bona Conjugal. c. 24. Tom. 6. Manet in illis ordinatis Sacramentum Ordinationis; & ſi aliqua culpa quiſquam ab Officio removeatur, Sacramento Domini ſemel impoſito non carebit, &c. [*y*] Optat. lib. 1. p. 44. In Donatum ſunt hæ ſententiæ latæ: Quod confeſſus ſit ſe rebaptizaſſe, & Epiſcopis lapſis manum impoſuiſſe: quod ab Eccleſia alienum eſt. [*z*] Vid. Valeſ Not in Sozom. lib. 6. c. 26. ex Marcellin. Libel. Precum. [*a*] Optat. lib. 1. p. 41 A Cæciliano mandatum eſt, ut ſi Felix in ſe, ſicut illi arbitrabantur, nihil contuliſſet, ipſi tanquam adhuc Diaconum ordinarent Cæcilianum.

haps beſt underſtood *Cæcilian*'s meaning, ſays [*b*] he only ſpoke this ironically to deride them; not that he intended to ſubmit to a ſecond Ordination, but becauſe he was certain that *Felix* and the reſt of his Ordainers were no Traditors, as they accuſed them. So that we have no Inſtance of Re-ordaining ſuch as were regularly ordained, in the Catholick Church: it being eſteem'd unlawful, as *Theodoret* [*c*] words it, to give any Man the ſame Ordination twice. Whence neither in the Tranſlation of Biſhops from one Church to another do we ever read of a new Ordination, but only of an Inthronization or Inſtalment, as of a new Matriculation of Presbyters and Deacons, when they were taken out of one Church to be ſettled in another. *Cyprian* ſpeaking of his Admiſſion of *Numidicus* into his own Church from another, where he was Presbyter before, does not ſay he gave him a new Ordination, but only [*d*] a Name and a Seat among the Presbyters of *Carthage*. And this was the conſtant Practice of the Church in all ſuch Caſes, for any thing that appears to the contrary.

Sect. 7. *Schiſmaticks ſometimes re-ordained.*

As to ſuch as were ordained out of the Church by Schiſmatical or Heretical Biſhops, the Caſe was a little different. For the Church did not always allow of their Ordinations, but ſometimes for Diſcipline-ſake, and to put a Mark of Infamy upon their Errors, made them take a new Or-

[*b*] Aug. Brevic. collat. Die 3. c. 16. Quod quidem ſi dictum eſt, ideo dici potuit ad illos deridendos, quibus hoc mandaſſe perhibetur, quoniam certus erat Ordinatores ſuos non eſſe Traditores. [*c*] Theod. Hiſtor. Relig. c. 13. ὃ δυνατὸν δὶς τὴν αὐτὴν ἐπιτελεῖσθαι χειροτονίαν. [*d*] Cypr. Ep. 35. al. 40. Admonitus nos & inſtructos ſciatis Dignatione Divina, ut Numidicus Presbyter adſcribatur Presbyterorum Carthaginienſium numero & nobiſcum ſedeat in Clero.

Ordination. This was decreed by the great Council of *Nice*, in the Caſe of thoſe Biſhops and Presbyters whom *Meletius* the Schiſmatick ordained in *Egypt*, after he had been depoſed by his Metropolitan of *Alexandria*: They were not to be admitted to ſerve in the Catholick Church, till they were firſt authoriſed by *a more Sacred* [e] *Ordination*, as that Council words it in her Synodical Epiſtle, or Directions to the Church of *Alexandria*. In purſuance of this Decree, *Theodore* Biſhop of *Oxyrinchus* Re-ordained the *Meletian* Presbyters, upon their Return to the Church, as *Valeſius* [f] ſhews out of *Marcellinus* and *Fauſtinus*'s Petition to the Emperour *Theodoſius*: and other Learned Men [g] are of the ſame Opinion. Yet in ſome Caſes the Church conſented to receive Schiſmatical Biſhops and Presbyters without obliging them to take a new Ordination; as in *Africk*, St. *Auſtin* [h] aſſures us, it was the Cuſtom to allow of the Ordinations of the *Donatiſts*, and to admit them to officiate in whatever Station they ſerv'd before their Return to the Unity of the Church, without repeating their Ordination any more than their Baptiſm. He repeats this in ſeveral parts of his Writings: And that it was ſo, appears both from the Canons of the *African* [i] Councils, and the Conceſſions made [k] in the Collation of *Carthage*, where the Propoſal was, That the *Donatiſt* Biſhops ſhould enjoy their Honours and Dignities, if they would return to the Unity of the Catholick Church. This had before been determined

[e] Ep. Synod. ap. Socrat. lib. 1. c. 9. & Theodor. lib. 1. c. 9. μυστικωτέρα χειροτονία βεβαιωθέντας, &c. [f] Valeſ. Not. in Socrat. lib. 1. c. 9. [g] Du Pin Biblioth. Cent. 4. p. 251. [h] Aug. cont. Parmen. lib. 2. c. 13. Si viſum eſt opus eſſe, ut eadem Officia gererent quæ gerebant, non ſunt rurſus ordinati, ſed ſicut Baptiſmus in eis, ita Ordinatio manſit integra, &c. Vid. cont. Creſcon. lib. 2. c. 11. It. Ep. 50. p. 87. Ep. 162. p. 279. [i] Cod. Can. Afric. c. 69 & 70. [k] Collat. Carth. Die 1. c. 16.

mined in the *Roman* Council under *Melchiades*, where the *Donatiſts* had their firſt Hearing: For there, as St. *Auſtin* informs us [*l*], it was alſo decreed, That only *Donatus*, the Author of the Schiſm, ſhould be caſhier'd; but for all the reſt, tho' they were ordained out of the Church, they ſhould be receiv'd upon their Repentance in the very ſame Offices and Quality which they enjoy'd before. So that the rigour of Church-Diſcipline was quickned or abated in this reſpect, according as the Benefit or Neceſſities of the Church ſeemed to require.

Sect. 8. *And Hereticks alſo upon their Return to the Church, in ſome places.*

And the Treatment of Perſons ordained by Hereticks was much of the ſame Nature. Some Canons require all ſuch, without exception, to be re-ordained. It was ſo in the *Greek* Church, at the Time when thoſe called the Apoſtolical Canons were made: For the ſame Canon [*m*] that condemns Re-ordinations in the Church, makes an Exception in the Caſe of ſuch as were ordained by Hereticks; pronouncing their Ordination void, and requiring them to be ordained again. And this was generally the Practice of all thoſe Churches in the third Century, which denied the Validity of Heretical Baptiſm: For by much ſtronger Reaſon they denied their Ordinations. Therefore *Firmilian*, who was of this Opinion, tells us alſo, That the Council [*n*] of *Iconicum*, *anno* 256. decreed, That Hereticks had no Power to miniſter either Baptiſm or Confirmation, or

[*l*] Aug. Ep 50. ad Bonifac. p. 87. Damnato uno quodam Donato, qui Author Schiſmatis fuiſſe manifeſtatus eſt, cæteros correctos, etiamſi extra Eccleſiam ordinati eſſent, in ſuis honoribus recipiendos eſſe cenſuerunt. [*m*] Canon. Apoſt. c. 67. [*n*] Firmil. Ep. 75. ap. Cyprian p. 221. Hæretico ſicut Ordinare non licet, nec manum imponere. ita nec Baptizare,

or Ordination; nay, ſome of thoſe who allowed the Baptiſm of Hereticks, yet ſtill continued to condemn their Ordinations; as *Innocent* Biſhop of *Rome*, who determins againſt ſuch as [o] were ordained by the *Arians*, and ſuch other Hereticks, that they were not to be admitted with their Honours in the Catholick Church, though their Baptiſm might ſtand good, being adminiſtred in the Name of the Father, and of the Son, and of the Holy Ghoſt. In another place [p] he ſays, It was the ancient Rule of the Church of *Rome* to cancel and diſannul all ſuch Ordinations; though in ſome places, he owns, they were allowed: For *Aniſius* Biſhop of *Theſſalonica*, with a Council of his Provincial Biſhops, agreed to receive thoſe whom *Bonoſus*, an Heretical Biſhop of *Macedonia*, had ordained; that they might not continue to ſtrengthen his Party, and thereby bring no ſmall Damage upon the Church. *Liberius* not only admitted the *Macedonian* Biſhops to Communion, but alſo allowed them to continue in their Office, upon their Subſcription to the *Nicene* Creed, and Abjuration of their former Hereſie; as *Socrates* [q], and *Sozomen* [r], and St. *Baſil* [s], and others teſtifie. In *France* the Cuſtom was in the Time of *Clodoveus* to give a new Impoſition of Hands to the *Arian* Clergy that returned to the Catholick Faith, as appears from the firſt Council of *Orleans*, which

[o] Innoc. Ep. 18. ad Alexand. c. 3. Non videtur Clericos eorum cum Sacerdotij aut Miniſterij cujuſpiam ſuſcipi debere dignitate; quoniam iis ſolum Baptiſma ratum eſſe permittimus, &c. [p] Id. Ep. 22. ad Epiſc. Macedon. c. 5. Aniſij quondam fratris noſtri, aliorumque Conſacerdotum ſumma deliberatio hæc fuit, ut quos Bonoſus ordinaverat, ne cum eodem remanerent, ac ne fieret mediocre ſcandalum, ordinati reciperentur.--- Jam ergo quod pro remedio ac neceſſitate temporis ſtatutum eſt, conſtat primitus non fuiſſe. [q] Socrat. lib. 4. c. 12. [r] Sozom. lib. 6. c. 10. [s] Baſil. Ep. 74. ad Epiſcopos Occident.

which made a Decree [*t*] about it: But that, perhaps, does not mean a New Ordination, but only such a Reconciliatory Impoſition of Hands as was uſed to be given to Penitents in Abſolution. But if otherwiſe, it proves that the Church had different Methods of proceeding in this Caſe, as ſhe judged it moſt expedient and beneficial for her Service; ſometimes reverſing and diſannulling the Ordinations of Hereticks for Diſcipline-ſake, and to ſhew her Reſentments of their Errors; and ſometimes allowing them to ſtand good for her own ſake, to prevent greater Scandals, and to encourage the ſtraying People to return with their Leaders to the Unity of the Catholick Faith. Upon which Account the General Council of *Epheſus* [*u*] made an Order concerning the *Meſſalian* Hereticks, otherwiſe called *Euchites* and *Enthuſiaſts*, That if any of their Clergy would return to the Church, and in Writing Anathematize their former Errors, they ſhould continue in the ſame Station they were in before; otherwiſe they ſhould be degraded, and enjoy neither Clerical Promotion nor Communion in the Church. The Council of *Nice* is thought to have made the like Decree [*w*] in favour of the *Novatian* Clergy, only giving them a Reconciliatory Impoſition of Hands by way of Abſolution, not Re-ordination. And there is nothing more certain than that the *African* Fathers ſo treated the *Donatiſts*; particularly St. *Auſtin* in all his Writings pleads as much

[*t*] Conc. Aurel. 1. c. 12. De Hæreticis Clericis, qui ad Fidem Catholicam plena fide & voluntate venerint, id cenſuimus obſervari.--- ut Officium, quo eos Epiſcopus dignos eſſe cenſuerit, cum impoſitæ manus Benedictione ſuſcipiant. [*u*] Conc. Epheſ. Act. 7. Decret. cont. Meſſalian. Tom. 3. p 809. Si Clerici fuerint, maneant Clerici. --- Quod ſi renuerint anathematizare, ſi Presbyteri vel Diaconi fuerint, vel in alio quopiam Gradu Eccleſiæ, excidant & à Clero, & à Gradu, & à Communione. [*w*] Conc. Nic. c. 8.

much for the Validity of Heretical Ordinations, as Heretical Baptiſm; and ſays farther, That when the Church [*x*] judged it expedient not to ſuffer the *Donatiſt* Biſhops to officiate upon their Return to the Church, ſhe did not thereby intend to deny the Reality or Validity of their Ordination, but ſuppoſed that to remain ſtill perfect and entire in them. And this is what St. *Auſtin* meant by the *Sacrament of Ordination*, as he words it, or the Indelible Character which was thereby imprinted; That tho' a Man turn'd Apoſtate, or was ſuſpended or depriv'd for any Crime, yet if upon his Repentance and Satisfaction the Church thought fit to admit him to officiate again, there was no neceſſity of giving him a new Ordination, no more than a new Baptiſm; for the Character of both remained entire. This was the Doctrine and Practice of the *African* Church, and moſt others, in the Time of St. *Auſtin*.

[*x*] Aug. cont. Parmen. lib. 2. c. 13. Cum expedire hoc judicatur Eccleſiæ, ut Præpoſiti eorum venientes ad Catholicam Societatem, Honores ſuos ibi non adminiſtrent; non eis tamen ipſa Ordinationis Sacramenta detrahuntur, ſed manent ſuper eos.

BOOK V.

Of the Privileges, Immunities and Revenues of the Clergy in the Primitive Church.

CHAP. I.

Some Inſtances of Reſpect which the Clergy paid mutually to one another.

Sect. 1. *The Clergy oblig'd to give entertainment to their Brethren travelling upon neceſſary Occaſions.*

HAving thus far diſcourſed of the neceſſary Qualifications of the Clergy, and the ſeveral Cuſtoms obſerved in the deſignation of them to the Miniſterial Office: It will be proper in the next place to ſpeak of the Reſpect and Honour that was generally paid them upon the Account of their Office. Under which Head, I ſhall comprize whatever relates to the Privileges, Exemptions, Immunities, and Revenues of the ancient Clergy. Some particular Marks of Honour, as they were peculiar to This or That Order, have already been mentioned in ſpeaking of thoſe Orders: But now I ſhall treat of thoſe which were more Univerſal, and common to all Orders. And here it will not be amiſs in the firſt place to ſay ſomething of that courteous Treatment and Friendſhip wherewith the Clergy of the Ancient Church were obliged to receive and embrace one another. Two or three inſtances of which it will be ſufficient to obſerve at preſent. *Firſt*, That wherever they travelled upon neceſſary Occaſions, they were

to

to be entertained by their Brethren of the Clergy in all places out of the Publick Revenues of the Church; and it was a ſort of Crime for a Biſhop or other Clerk to refuſe the Hoſpitality of the Church, and take it from any other. The Hiſtorians, *Socrates* and *Sozomen* [*a*] tacitly reflect upon *Epiphanius* for an Action of this Nature, That when he came to *Conſtantinople*, where *Chryſoſtom* ſhewed him all imaginable Reſpect and Honour, ſending his Clergy out to meet him, and inviting him to an Apartment, according to Cuſtom, in his Houſe, he refuſed the Civility, and took up his Habitation in a ſeparate Manſion. This was interpreted the ſame thing as breaking Catholick Communion with him; as it proved in effect; for he came on purpoſe, by the Inſtigations of *Theophilus* Biſhop of *Alexandria*, to form an Accuſation againſt him. On the other hand, to deny any of the Clergy the Hoſpitality of the Church upon ſuch Occaſions was a more unpardonable Crime, and looked upon as the rudeſt way of denying Communion. Therefore *Firmilian* [*b*] ſmartly reproves the Behaviour of Pope *Stephen*, both as Inſolent and Unchriſtian, towards the *African* Biſhops, who were ſent as Legates from their Churches to him, That he neither admitted them to Audience himſelf, nor ſuffered any of the Brethren to receive them to his Houſe; ſo not only denying them the Peace and Communion of the Church, but the Civility of Chriſtian Entertainment alſo. Which was ſo much the greater Deſpite and Affront to them, becauſe every private Chriſtian traveling with Letters of Credence from his own Church, might have challenged

[*a*] Socrat. lib. 6. c. 12. Sozom. lib 8. c. 14. [*b*] Firmil Ep. 75. ap. Cypr. p. 228. Ut venientibus non ſolum Pax & Communio, ſed & Tectum & Hoſpitium negaretur.

enged that Privilege upon the Conteſſeration of Hoſpitality, as *Tertullian* [c] words it; and much more the Biſhops and Clergy from one another. By the Laws of the *African* Church, every Biſhop that went as Legate of a Provincial Synod to that which they called a General or Plenary Synod, was to be provided of all things neceſſary in his Travels from this Liberality of the Church: As appears from a Canon in the 3d Council of *Carthage*, which orders [d], that no Province ſhould ſend above two or three Legates; that ſo they might appear with leſs Pomp and Envy, and be leſs Charge to their Entertainers. This implies that every Church was obliged, by Cuſtom at leaſt, to give them Entertainment in their Paſſage.

Sect. 2. *And to give them the Honorary Privilege of Conſecrating the* Euchariſt *in the Church.*

Another Inſtance of cuſtomary Reſpect, which the Clergy were obliged to ſhew to one another, was, that when any Biſhop or Presbyter came to a foreign Church, they were to be complimented with the Honorary Privilege of performing Divine Offices, and conſecrating the *Euchariſt* in the Church. This was a very ancient Cuſtom, as appears from what *Irenæus* ſays of *Anicetus* Biſhop of *Rome*, that when *Polycarp* came to ſettle the Paſchal Controverſy with him, παρεχώρησεν τὴν εὐχαριστίαν τῷ Πολυκάρπῳ [e], which does not barely ſignify, he gave him the *Euchariſt*, as the firſt Tranſlators of *Euſebius* render it; but, he gave Place to him, or Liberty to conſecrate the *Euchariſt* in his Church. The Council of *Arles*, which turned this Cuſtom into a Law, uſes the very ſame

O Expreſſion

[c] Tertul. de Præſcript. c. 20. [d] Conc. Carth. 3. c 2. Ut & minus invidioſi, minuſque Hoſpitibus ſumptuoſi exiſtant. [e] Iren. Ep. ad Victor. ap. Euſeb. Lib. 5. c. 24.

Expreſſion about it, That in every Church they ſhould give Place [*f*] to the Biſhop that was a Stranger, to offer the Oblation or Sacrifice. And the 4th Council of *Carthage* more plainly, That a Biſhop or Presbyter [*g*] viſiting another Church, ſhall be received each in their own Degree, and be invited to Preach, and Conſecrate the Oblation. So they were to be admitted to all the Honours which the Church could ſhew them; the Biſhop was to ſeat his Fellow-Biſhop in the ſame Throne with himſelf, and the Presbyters to do the ſame by their Fellow-Presbyter. For that the Canon means by receiving them in their own Degree. Which Cuſtom is referr'd to by the Catholick Biſhops in the Collation [*h*] of *Carthage*, where they promiſe the *Donatiſt* Biſhops, that if they would return to the Church, they ſhould be treated by them as Fellow-Biſhops, and ſit upon the ſame Thrones with them, as Strangers were uſed to do. The Author of the Conſtitutions joins all theſe things together, ſaying, Let the Biſhop that is a Stranger ſit with the Biſhop, and be invited to Preach; Let him alſo be permitted to offer the *Euchariſt*; or if in Modeſty he refuſes it, let him at leaſt be conſtrained to give the Bleſſing to the People.

But

[*f*] Conc. Arelat. 1. c. 20. Ut Peregrino Epiſcopo Locus ſacrificandi detur. [*g*] Conc. Carth. 4. c. 33. Ut Epiſcopi vel Presbyteri, ſi cauſa viſendæ Eccleſiæ alterius Epiſcopi, ad Eccleſiam venerint, & in Gradu ſuo ſuſcipiantur, & tam ad Verbum faciendum, quam ad Oblationem conſecrandam invitentur. [*h*] Collat. Carthag. Die 1. c. 16. Sicut Peregrino Epiſcopo juxta conſidente Collega.

Sect. 3. *The Uſe of the* Literæ Formatæ, *or Commendatory Letters in this Reſpect.*

But then it is to be obſerved, that theſe Honours were not to be ſhewed to Strangers, as mere Strangers, but as they could ſomeways give Proof of their Orthodoxy and Catholiciſm to the Church to which they came. And in this Reſpect the *Literæ Syſtaticæ*, or Commendatory Letters, as they called them, were of great Uſe and Service in the Church. For no ſtrange Clergy-man was to be admitted, ſo much as to communicate, much leſs to officiate without theſe Letters of his Biſhop, in any Church where he was a perfect Stranger, for fear of ſurreptitious, or paſſive Communion, as the Canons [*i*] call it. And Biſhops were under the ſame Obligations to take the Letters of their Metropolitan, if they had occaſion to travel into a foreign Country, where they could not otherwiſe be known. The 3d Council of *Carthage* has a Canon [*k*] to this purpoſe, That no Biſhop ſhould go beyond Sea without conſulting the Primate of his Province, that he might have his *Formatæ*, or Letters of Commendation. And that the ſame Diſcipline was obſerved in all Churches, ſeems clear from one of thoſe Canons of the *Greek* Church, among thoſe which go by the Name of Apoſtolical, which ſays, no ſtrange Biſhops, [*l*] Presbyters, or Deacons ſhall be received ἀνὰ συσ[illegible]ικῶν, unleſs they bring Commendatory Letters with them: But without

[*i*] Conc. Carthag. 1. c. 7. Clericus vel Laicus non communicet in aliena Plebe ſine Literis Epiſcopi ſui. Niſi hoc obſervatum fuerit, Communio fiet Paſſiva. Vid. Conc. Laodicen. c. 41. Conc. Antioch. c. 7. Agathenſ. c. 38. Chalcedon. c. 11. [*k*] Conc. Carth. 3. c. 28. Ut Epiſcopi trans mare non proficiſcantur, niſi conſulto Primæ Sedis Epiſcopo, ut ab Epiſcopo præcipuè (leg. Præcipuo) poſſint ſumere Formatam vel Commendationem. [*l*] Canon Apoſt. 11.

out them they ſhall only be provided of Neceſſaries and not be admitted to communicate, becauſe many things are ſurreptitiouſly obtained. The Tranſlation of *Dionyſius Exiguus* indeed denies them Neceſſaries alſo: But that is a manifeſt Corruption of the *Greek* Text, which allows them to communicate in outward good things, but not in the Communion of the Church. And this is what ſome think the Ancients meant by *Communio Peregrina*, the Communion of Strangers, when ſuch as travelled without Letters of *Credence*, were hoſpitably entertained, and provided of Suſtenance, but not admitted to participate of the *Euchariſt*, becauſe they had no Teſtimonials of their Life and Converſation. But others give a different Account of this, which I ſhall more nicely examine, when I come to ſpeak of the Diſcipline of the Church, under which Head the *Communio Peregrina* will come to be conſidered, as a Species of Eccleſiaſtical Cenſure.

Sect. 4.
The Clergy obliged to end all their own Controverſies among themſelves.

A Third Inſtance of Reſpect which the Clergy ſhewed to one another, was, That if any Controverſies happened among themſelves, they freely conſented to have them determined by their Biſhops and Councils, without having Recourſe to the Secular Magiſtrate for Juſtice. Biſhops, as I have had occaſion to ſhew [*] before, were anciently authorized by the Imperial Laws to hear and determine Secular Pecuniary Cauſes even among Lay-men, when both the Litigants would agree upon Compromiſe to take them for Arbitrators: But among the Clergy there needed no ſuch particular

[*] *Book 2. Chap. 7.*

particular Compromiſe, but by the Rules and Canons of the Church they were brought under a general Obligation not to moleſt one another before a Secular Magiſtrate, but to end all their Controverſies under the Cognizance of an Eccleſiaſtical Tribunal. The Caſe was ſomewhat different when a Lay-man and a Clergy-man had occaſion to go to Law together: For then the Lay-man was at Liberty to chuſe his Court, and was not obliged to refer his Cauſe to any Eccleſiaſtical Judge, unleſs by Compromiſe he brought himſelf under ſuch an Obligation. For ſo the Imperial Laws [*m*] in this Caſe had provided. Though in *France* in the Time of the *Gothick* Kings it was otherwiſe: For Laymen there were not to ſue a Clerk in a Secular Court without the Biſhop's Permiſſion; as appears from a Canon of the Council [*n*] of *Agde*, made under *Alarick An.* 506. which equally forbids a Clergyman to ſue a Layman in a Secular Court, or to anſwer to any Action brought againſt him there, without the Biſhop's Permiſſion. But whatever Difference there was betwixt the *Roman* and *Gothick* Laws in this particular, it is evident, that as to any Controverſies ariſing among the Clergy themſelves, they were to be determined before Eccleſiaſtical Judges; as appears from a Canon of the Council of *Chalcedon*, which is in theſe Words, If any Clergyman hath a Controverſy with another, he ſhall not leave his own Biſhop, and betake himſelf

[*m*] Valentin. Novel. 12. ad Calcem Cod. Th. In Clerico Petitore conſequens erit, ut ſecundum leges Pulſati Forum ſequatur, ſi adverſarius ſuus ad Epiſcopi vel Presbyteri Audientiam non præſtat adſenſum. [*n*] Conc. Agathenſ. c. 32. Clericus nec quenquam præſumat apud ſæcularem Judicem, Epiſcopo non permittente, pulſare. Sed ſi pulſatus fuerit, non reſpondeat, nec proponat, nec audeat criminale negotium in Judicio ſeculari proponere.

ſelf [o] to any Secular Court, but firſt have a Hearing before his own Biſhop, or ſuch Arbitrators as both Parties ſhould chuſe with the Biſhop's Approbation. Otherwiſe he ſhould be liable to Canonical Cenſure. Which Cenſure in the *African* Church was the Loſs of his Place, whether he were Biſhop, Presbyter, or Deacon, or any other Inferior Clerk, that declined the Sentence of an Eccleſiaſtical Court, either in a civil or criminal Cauſe, and betook himſelf to a Secular Court for Juſtice: Though he carried his Cauſe, and Sentence were given on his ſide, in a criminal Action, yet he was to be depoſed; or if it was a civil Cauſe, he muſt loſe whatever Advantage he gained by the Action, as the 3d Council of *Carthage* [p] in this caſe determined, becauſe he deſpiſed the whole Church, in that he could not confide in any Eccleſiaſtical Perſons to be his Judges. Many other Councils determined the ſame thing, as that of *Vannes* [q], *Chalons* [r], and *Maſcon* [s]. And the Council of *Milevis* [t] decreed, that no one ſhould petition the Emperor to aſſign him Secular Judges, but only Eccleſiaſtical [u], under Pain of Deprivation. So

[o] Conc. Chalced. c. 9. Εἴ τις κληρικὸς πρὸς κληρικὸν πρᾶγμα ἔχει, μὴ ἐγκαλαλιμπανέτω τὸν ἰδιωτικὸν ἐπίσκοπον, ἢ ἐπὶ κοσμικὰ δικαστήρια καλατρεχέτω, &c. [p] Conc. Carth. 3. c. 9. Quiſquis Epiſcoporum, Presbyterorum, & Diaconorum ſeu Clericorum, cum in Eccleſia ei crimen fuerit intentatum, vel Civilis Cauſa fuerit commota, ſi derelicto Eccleſiaſtico Judicio Publicis Judiciis purgari voluerit, etiamſi pro ipſo prolata fuerit ſententia, Locum ſuum amittat, & hoc in Criminali Actione. In Civili vero perdat quod evicerit, ſi Locum ſuum obtinere maluerit, &c. [q] Conc. Venetic. c. 9. [r] Conc. Cabillon. c. 11. [s] Conc. Matiſcon. c. 5. [t] Conc. Milev. c. 19. [u] Conc. Milev. c. 19. Quicunque ab Imperatore Cognitionem Judiciorum Publicorum petierit, Honore proprio privetur: Si autem Epiſcopale Judicium ab Imperatore poſtulaverit, nihil ei obſit.

So great Confidence did the Clergy generally place in one another, and pay ſuch a Deference to the Wiſdom, Integrity, and Judgment of their Brethren, that it was then thought they had no need to have Recourſe to Secular Courts for Juſtice, but they were willing to determine all Controverſies of their own among themſelves: And as the Imperial Laws did not hinder this, but encourage it: ſo we ſeldom find any Eccleſiaſticks inclined to oppoſe it, but either ſome Factious and Turbulent Men, or ſuch whoſe Crimes had made them ſo obnoxious, that they had Reaſon to dread an Eccleſiaſtical Cenſure.

Sect. 5. *What Care was taken in receiving Accuſations againſt the Biſhops and Clergy of the Church.*

I ſhall but obſerve one thing more upon this Head, which is, the great Care the Clergy had of the Reputation and Character of one another; which being a ſacred and neceſſary thing in Perſons of their Function, they did not think fit to let it be expoſed to the malicious Calumnies and Slanders of every baſe and falſe Accuſer. But firſt in all Accuſations, eſpecially againſt Biſhops, the Teſtimony of two or three Witneſſes was required, according to the Rule of the Apoſtle. Therefore when the Synod of *Antioch* proceeded to condemn *Euſtathius* Biſhop of *Antioch* upon a ſingle Teſtimony, the Hiſtorian cenſures it [w] as an arbitrary Proceeding in them againſt that Apoſtolical Canon, *Receive not an Accuſation againſt an Elder, but before two or three Witneſſes.* 2dly, The Character of the Witneſſes was to be examined, before their Teſtimony was to be allowed of. An Heretick was not to give Evidence againſt a Biſhop, as may be col-

[w] Theod. Hiſt. Lib. 1. c. 20.

lected from those Canons which bear the Name of the Apostles, one of which joyns these two things together: *Receive* [x] *not an Heretick to testify against a Bishop; Nor a single Witness, though he be one of the Faithful:* For the Law saith, *In the Mouth of two or three Witnesses shall every Word be established. Athanasius* pleaded the privilege of this Law, when he was accused for suffering *Macarius* his Presbyter to break the Communion-Cup; he urged [y], that his Accusers were *Meletians*, who ought not to be credited, being Schismaticks, and Enemies of the Church. By the 2d Council of *Carthage* not only Hereticks, but any others that were known to be guilty [z] of scandalous Crimes, were to be rejected from giving Testimony against any Elder of the Church. The 1st general Council of *Constantinople* distinguishes the Causes, upon which an Accusation might be brought against a Bishop: For a Man might have a private Cause of Complaint against him, as that he was defrauded in his Property, or in any the like Case injured by him: In which Case his Accusation was to be heard, without considering at all the Quality of the Person or his Religion. For a Bishop was to keep a good Conscience, and any Man that complained of being injured by him, was to have Justice done him, whatever Religion he was of. But if the Crime was purely Ecclesiastical, that was alledged against him; then the Personal Qualities of the Accusers were to be examined; so that no Hereticks should be allowed to accuse [a] Orthodox Bishops in Causes Ecclesiastical: nor any Excommunicate

[x] Canon. Apost. c. 75. [y] Athan. Apol. ad Constant. T. 1. p. 731. [z] Conc. Carth. 2. c. 6 Qui aliquibus sceleribus irretitus est, vocem adversus Majores Natu non habeat accusandi. Vid. Cod. Can. Afric. c. 8. [a] Conc. Constant. Gen. 1. c. 6.

municate Persons, before they had first made Satisfaction for their own Crimes; nor any who were impeached of Crimes, of which they had not proved themselves Innocent. The Council of *Chalcedon* [*b*] adds, that no Clergyman or Layman should be admitted to impeach a Bishop or a Clerk, till his own Reputation and Character were first enquired into and fully examined. So careful were they in this Matter not to expose the Credit of the Clergy to the malicious Designs or wicked Conspiracies of any profligate Wretches, whom Malice or Bribery might induce to accuse them. 3dly, In case of false Accusation, whether publick or private, the Penalty against the Offender was very severe. If any Clergyman, says one [*c*] of the Apostolical Canons, unjustly reproach a Bishop, he shall be deposed: For it is written, *Thou shalt not speak Evil of the Ruler of thy People.* And by a Canon [*d*] of the Council of *Eliberis*, for any Man to charge a Bishop, Presbyter, or Deacon with a false Crime, which he could not make good against them, was Excommunication without Hopes of Reconciliation at the Hour of Death. Which was the usual Penalty that was inflicted by that Council upon very great and notorious Offenders; for which some have censured the *Spanish* Church as guilty of Novatianism, but without Reason, as I shall shew when I come to discourse of the Discipline of the Church. Here it may be sufficient to observe, that they thought this Crime one of the first Magnitude, since they refused to give the external Peace of the Church to such Offenders, even

[*b*] Conc. Chalced. c. 21. [*c*] Canon. Apost. c. 47. [*d*] Conc. Eliber. c. 75. Si quis Episcopum, Presbyterum, vel Diaconum falsis Criminibus appetierit, & probare non potuerit, nec in fine dandam ei Communionem.

even at their laſt Hour. Many other Inſtances of the like Reſpect might here be added, but by theſe few the Reader will be able to Judge, with what Candor and Civility the Clergy of the Primitive Church were obliged to receive and treat one another. And it would have been happy for all Ages, had they walked in the ſame Steps, and copied after ſo good an Example.

CHAP. II.

Inſtances of Reſpect ſhewed to the Clergy by the Civil Government. Where particularly of their Exemption from the Cognizance of the ſecular Courts in Eccleſiaſtical Cauſes.

Sect. 1.
Biſhops not to be called into any ſecular Court to give their Teſtimony.

NEXT to the Reſpect which the Clergy ſhewed to one another, it will be proper to ſpeak of the Honours which were done them by the Civil Magiſtrates, which were more or leſs, according as either the Inclination and Piety of the Emperors led them, or as the State of the Times required. Theſe Honours chiefly conſiſted in Exempting them from ſome ſort of Obligations to which others were liable, and in granting them certain Privileges and Immunities which others did not enjoy. Of this kind was that Inſtance of Reſpect, which by the Laws of *Juſtinian* was granted to all Biſhops, that no ſecular Judge could compel [*a*] them to appear in a Publick

[*a*] Juſtin. Novel. 123. c. 7. Nulli Judicum licebit Deo amabiles Epiſcopos cogere ad Judicium venire pro exhibendo Teſtimonio; ſed Judex mittat ad eos quoſdam ex Perſonis Miniſtrantium ſibi, &c.

lick Court to give their Teſtimony before him, but he ſhould ſend one of his Officers to take it from their Mouth in Private. This Law is alſo repeated in the *Juſtinian* [*b*] *Code*, and there ſaid to be enacted firſt by *Theodoſius* the Great, a Law of whoſe is ſtill extant in the ſame Words in the *Theodoſian Code* [*c*]. But *Gothofred* will have it, that this Law as firſt enacted by *Theodoſius*, meant no more than to exempt the Clergy from being bound to give an Account to the Civil Magiſtrates, of what Judgments or Sentences they paſſed upon any ſecular Cauſes, that were referred to their Arbitration. And indeed it is evident, that the Law-Terms, *ad Teſtimonium devocari*, and εἰς μαρτυρίαν ὑποκαλεῖσθαι, are taken in this Senſe by the *African* Fathers in the 5th Council of *Carthage*, where it was agreed [*d*] to petition the Emperors, to make a Decree, that if any Perſons referred a Civil Cauſe to the Arbitration of the Church, and one of the Parties chanced to be diſpleaſed with the Deciſion or Sentence that was given againſt him; it ſhould not be lawful to draw the Clergy-Man, who was Judge in the Cauſe, into any ſecular Court, to make him give any Teſtimony or Account of his Determination. This was not intended to exempt Clergy Men

[*b*] Cod. Juſt. Lib. 1. Tit. 3. de Epiſc. Leg. 7. Imperator Theodoſius dixit, Nec Honore nec Legibus Epiſcopus ad Teſtimonium dicendum flagitetur. [*c*] Cod. Th. Lib. 11. Tit. 39. de Fide Teſtium Leg. 8. [*d*] Conc. Carth. 5. c. 1. It. Cod. Can. Afr. c. 59. Et Conc. vulgo dict. Africanum. c. 26. Petendum ut ſtatuere dignentur, ut ſi qui forte in Eccleſia quamlibet Cauſam, jure Apoſtolico Eccleſiis impoſito, agere voluerint, & fortaſſe Deciſio Clericorum uni parti diſplicuerit; non liceat Clericum in judicium ad Teſtimonium devocari eum, qui cognitor vel præſens (forſan Præſes) fuerit. Et nulla ad Teſtimonium dicendum Eccleſiaſtici cujuſlibet Perſona pulſetur.

Men in generall from being called to be Witneſſes in a ſecular Court, but only to free them from the Proſecutions of Vexatious and Troubleſome Men, who when they had choſen them for their Arbitrators would not ſtand to their Arbitration, but Proſecuted them in the Civil Courts, as if they had given a Partial Sentence againſt them: And though it was contrary to the Law to give them any ſuch Trouble; becauſe, as I have ſhewed [*] in another Place, all ſuch Determinations were to be abſolutely Deciſive and Final without Appeal; yet 'tis probable ſome ſecular Judges in *Africk* might give Encouragement to ſuch Proſecutions: Which made the *African* Fathers complain of the Grievance, and deſire to have it redreſs'd, in the forementioned Canon, to which *Gothofred* thinks the Law of *Theodoſius* refers. But whether the Law of *Theodoſius* be thus to be limited, is a matter that may admit of farther Enquiry. *Gothofred* himſelf confeſſes that *Juſtinian* took it in a larger Senſe; and that is enough for me to found this Privilege of Biſhops upon, that they were not to be called into a ſecular Court, to give their Teſtimony there in any Caſe whatſoever.

Sect. 2. *Nor obliged to give their Teſtimony upon Oath, by the Laws of* Juſtinian.

Another Privilege of this kind, which alſo argued great Reſpect paid to Biſhops, was, That when their Teſtimony was taken in private, they were not obliged to give it upon Oath, as other witneſſes were, but only upon their Word, as became the Prieſts of God, laying the Holy Goſpels before them. For the ſame Law of *Juſtinian* [e] which grants

[*] *Book* 2. *Chap.* 7. *Sect.* 3. and 4. [e] Juſtin. Novel. 123. c. 7. Propoſitis SS. Evangeliis, ſecundum quod decet Sacerdotes, dicant quod noverint, non tamen jurent.

grants them the former Privilege, enacted this in their Favour and behalf alſo. And in purſuance of that Law probably the Council of *Tribur* ſome Ages after [*f*] decreed, that no Presbyter ſhould be queſtioned upon Oath, but inſtead of that only be Interrogated upon his Conſecration; becauſe it did not become a Prieſt to Swear upon a light Cauſe. But it does not appear, that this Indulgence was granted to Biſhops before the Time of *Juſtinian*. For the Council of *Chalcedon* [*g*] exacted an Oath in a certain Caſe of the Egyptian Biſhops; and the Council of *Tyre* [*h*] required the ſame of *Ibas* Biſhop of *Edeſſa*. And there are many other Inſtances of the like Nature.

Sect. 3. *Whether the ſingle Evidence of one Biſhop was good in Law againſt the Teſtimony of many others.*

Conſtantine the Great granted many Privileges to the Clergy; but there are ſome that go under his Name, which were certainly never granted by him: As his famed Donation to the Biſhops of *Rome*, which *Baronius* [*i*] himſelf gives up for a Forgery, and *De Marca* [*k*] and *Pagi* [*l*] prove it to be a ſpurious Fiction of the 9th Century, invented moſt probably by the ſame *Iſidore Mercator*, who forged the Decretal Epiſtles of the ancient Biſhops of *Rome*. There are other Privileges fathered upon *Conſtantine*, which though not ſuch manifeſt Forgeries as the former, are yet by Learned Men reputed of a doubtful Nature; ſuch as that which is comprized in a Law under the

[*f*] Conc. Tribur. c. 21. Presbyter vice Juramenti per ſanctam Conſecrationem interrogetur; quia ſacerdotes ex levi cauſa jurare non debent, &c. [*g*] Conc. Chalced. Act. 4. Tom. 4. p. 518. [*h*] Conc. Tyr. in Act 9. Concil. Chalced. p. 629. [*i*] Baron. an. 324. n. 118. [*k*] Marca de Concord. Lib. 6. c. 6. n. 6. [*l*] Pagi Critic. in Baron. an. 324. n. 13.

the Name of *Conſtantine* [*m*] at the end of the *Theodoſian Code*, where all Judges are commanded to take the ſingle Evidence of one Biſhop as good in Law, againſt all others whatſoever. *Gothofred* is of Opinion, that this whole Title in the *Theodoſian Code* is Spurious; and for this Law in Particular, there are two Arguments that ſeem to prove it not Genuine. Firſt, Becauſe *Conſtantine* himſelf in another Law [*n*] ſays, the Teſtimony of a ſingle Witneſs ſhould not be heard in any Caſe, no not though the Witneſs be a Senator. Secondly, Becauſe the Eccleſiaſtical Laws, as well as the Civil, require two Witneſſes, as has been Noted in the laſt Chapter. Which, I think, are ſufficient Arguments to prove, that no ſuch Extravagant Privilege could be granted to Biſhops by *Conſtantine*: But I leave the Reader to Judge for himſelf, if he can find better Arguments to the Contrary.

Sect. 4.

Presbyters priviledged againſt being Queſtioned by Torture, as other Witneſſes were.

We have better Proof for another Privilege that we find granted to Presbyters, which was, that if any of them were call'd to give Teſtimony in a Publick Court, they ſhould not be examined by Scourging or Torture, as the Law directed in other Caſes. For by the *Roman* Laws Witneſſes might be examined upon the Rack in ſome Caſes, to make them declare the whole Truth: As we learn not only

[*m*] Cod. Th. Lib. 16. Tit. 12. de Epiſc. Audient. Leg. 1. Teſtimonium etiam ab uno licet Epiſcopo perhibitum, omines Judices indubitanter accipiant, nec alius audiatur, cum Teſtimonium Epiſcopi à qualibet parte fuerit repromiſſum. [*n*] Cod. Th. Lib. 11. Tit. 39. de Fide Teſtium. Leg. 3. Sancimus, ut unius omnino Teſtis Reſponſio non audiatur, etiamſi præclaræ Curiæ honore præfulgeat.

only from the Laws [o] themſelves, but from St. *Auſtin*, [p], and *Syneſius* [q], who mentions ſeveral new ſorts of Torture, which *Andronicus* the Tyrannical Prefect of *Ptolemais* invented beyond what the Law directed. But now nothing of this kind could be impoſed upon any Presbyter of the Church: For they were exempted from it by a Law of *Theodoſius* the Great, which is ſtill extant in both the *Codes* [r], by which it alſo appears, that it was a peculiar Privilege granted to Biſhops and Presbyters, but to none below them: For the reſt of the Clergy are excepted, and left to the common way of Examination, which in other Caſes the Law directed to be uſed.

Sect. 5. *The Clergy exempt from the Ordinary Cognizance of the ſecular Courts in all Eccleſiaſtical Cauſes.*

But the next Privilege I am to mention, was a more Univerſal one, that extended to all the Clergy; which was their Exemption from the Ordinary Cognizance of the ſecular Courts in ſeveral Sorts of Cauſes. To underſtand this Matter aright, we muſt carefully diſtinguiſh two things. Firſt, The different Kinds of Cauſes, in which the Clergy might be concerned; and Secondly, the different Powers of the Inferior Courts from that of the ſupreme Magiſtrate, who was inveſted with a peculiar Prerogative-Power above them. The want of attending to which Diſtinctions

[o] Vid. Cod. Juſtin. Lib. 9. Tit. 41. de Quæſtionibus. It. Cod. Theodoſian. Lib. 13. Tit. 9. de Naufragiis Leg. 2. [p] Aug Serm. 49. de Diverſ. Tom. 10. p. 520. [q] Syneſ. Ep. 58. [r] Cod Th. Lib. 11. Tit. 39. de Fide Teſtium. Leg. 10. Presbyteri citra injuriam Quæſtionis Teſtimonium dicant; ita tamen ut falſa non ſimulent. Cæteri vero Clerici, qui eorum Gradum vel Ordinem ſubſequuntur, ſi ad Teſtimonium dicendum petiti fuerint, prout Leges præcipiunt, audiantur. Vid. Cod. Juſtin. Lib. 1. Tit. 3. Leg. 8.

Diſtinctions is the thing that has bred ſo much Confuſion in Modern Authors upon this Subject, and eſpecially in the *Romiſh* Writers, many of which are intolerably Partial in their Accounts; and highly injurious to the Civil Magiſtrates, under Pretence of Aſſerting and maintaining the Rights and Liberties of the Church. In the firſt Place therefore, to have a right Underſtanding in this Matter, we muſt diſtinguiſh the ſeveral ſorts of Cauſes in which Eccleſiaſtical Perſons might be concerned. Now theſe were of four kinds. Firſt, Such as related to Matters purely Eccleſiaſtical, as Crimes committed againſt the Faith, or Canons and Diſcipline and good Order of the Church, which were to be Puniſhed with Eccleſiaſtical Cenſures Secondly, Such as related to mere Civil and Pecuniary Matters between a Clergy-man and a Lay man. Thirdly, Such as related to Political Matters, as Groſs and Scandalous Crimes committed againſt the Laws, and to the Detriment of the Common-Wealth, as Treaſon, Rebellion, Robbery, Murder, and the like, which in the Laws are called, *Atrocia Delicta*, Fourthly, Such as related to leſſer Crimes of the ſame Nature, which the Law calls *Levia Delicta*. ſmall or petty Offences. Now according to this Diſtinction of Cauſes the Clergy were, or were not exempt from the Cognizance of the Civil Courts, by the Laws of the *Roman* Empire. In all Matters, that were purely Eccleſiaſtical they were abſolutely exempt, as *Gothofred* [s] the great Civilian Scruples not to own. For all Cauſes of that Nature were reſerved to the Hearing of Biſhops and their Councils, not only by the Canons of the Church, but the Laws of the State alſo.

This

[s] Gothofr. Comment. in Cod. Th Lib. 16. Tit. 2. Leg. 23.

Sect. 6. *This Evidenced from the Laws of* Constantius.

This may be evidenced from the Reſcripts of ſeveral Emperors ſucceſſively one after another, moſt of which are extant in both the *Codes*. *Conſtantius An.* 355. Publiſhed a Law [*t*], wherein he prohibited any Accuſation to be brought againſt a Biſhop before a ſecular Magiſtrate; but if any one had any Complaint againſt him, his Cauſe ſhall be heard and tryed by a Synod of Biſhops. This at leaſt muſt ſignify in Eccleſiaſtical Cauſes; though *Gothofred* and ſome others ſay, it extended alſo to Civil and Criminal Cauſes; and that though it looked like a Privilege, yet it was intended as a Snare to the Catholick Biſhops, to oppreſs them by his *Arian* Synods, in thoſe Times when the Majority of Biſhops in any Synod were commonly ſuch as favoured the *Arian* Party; and a Catholick Biſhop might expect more Favour and Juſtice from a ſecular Court, than from them. But whether this Law extended to all Civil and Criminal Cauſes, is not very eaſy to determine: Thus much is certain, that if it did, it was not long after in that Part revoked, whilſt in the other Part it ſtood good, and was confirmed by the Laws of the ſucceeding Emperors.

Sect. 7. *And thoſe of* Valentinian *and* Gratian.

For *Valentinian* granted the Clergy the ſame Immunity in all Eccleſiaſtical Cauſes; as appears from what St. *Ambroſe* writes to the younger *Valentinian* concerning his Father, ſaying, Your Father of Auguſt Memory

[*t*] Cod. Th. Lib. 16. Tit. 2. de Epiſc. Leg. 12. Manſuetudinis noſtræ Lege prohibemus in Judiciis Epiſcopos accuſari. — Si quid eſt igitur querelarum, quod quiſpiam defert, apud alios potiſſimum Epiſcopos convenit explorari, &c.

mory [*u*] did not only ſay it in Words, but enacted it into a Law, that in Matters of Faith and Eccleſiaſtical Order, they ought to judge, who were qualified by their Office, and of the ſame Order. For thoſe are the Words of his Reſcript. That is, he would have Prieſts to judge of Prieſts. This Law is not now extant in the *Code*, but there is another of *Valentinian* and *Gratian* to the ſame Purpoſe; wherein it is decreed [*w*], that the ſame Cuſtom ſhould be obſerved in Eccleſiaſtical Buſineſs, as was in Civil Cauſes: That if there aroſe any Controverſies about Matters of Religion, either from the Diſſenſions of Men, or other ſmall Offences, they ſhould be heard and determined in the Places where they aroſe, or in the Synod of the whole Dioceſe: Except only ſuch Criminal Actions, as were reſerved to the Hearing of the Ordinary Judges, the Proconſuls and Perfects of every Province, or the Extraordinary Judges of the Emperors own appointing, or the Illuſtrious Powers, *viz.* The *Præfectus-Prætorio* of the Dioceſe. Here it is plain, that though Criminal Actions againſt the State-Laws are excepted, yet all Matters Eccleſiaſtical were to be heard by Eccleſiaſtical Judges, and no other.

In

[*u*] Ambroſ. Ep. 32. Auguſtæ Memoriæ Pater tuus non ſolum ſermone reſpondit, ſed etiam Legibus ſuis ſanxit, in Cauſa Fidei, vel Eccleſiaſtici alicujus Ordinis eum judicare debere, qui nec Munere impar, nec jure deſſimilis. Hæc enim verba Reſcripti ſunt. Hoc eſt, Sacerdotes de Sacerdotibus voluit judicare. [*w*] Cod. Th. Lib. 16. Tit. 2. de Epiſc. Leg. 23 Qui mos eſt Cauſarum Civilium, iidem in Negotiis Eccleſiaſticis obtinendi ſunt: Ut ſiqua ſunt ex quibuſdam Diſſenſionibus, levibuſque Delictis, ad Religionis obſervantiam pertinentia, locis ſuis, & à ſuæ Diœceſeos ſynodis audiantur: Exceptis quæ Actio Criminalis ab Ordinariis Extraordinariiſque Judicibus, aut inluſtribus Poteſtatibus audientia (leg. audienda) conſtituit.

Sect. 8. *And* Theodosius *the Great:*

In the last Title of the *Theodosian Code* there is a Law under the Name of *Theodosius* the Great to the same purpose, wherein it is decreed, that no Bishop [x], or any other Minister of the Church shall be drawn into the Civil Courts of any Ordinary or Extraordinary Judges about Matters or Causes of an Ecclesiastical Nature; because they have judges of their own, and Laws distinct from those of the State. This Law is cited in *Gratian*'s Decree, but the Words, *Quantum ad Causas Ecclesiasticas tamen pertinet*, are there [y] fraudulently left out, to serve the Current Doctrine and Hypothesis of his own Times, and make the Reader believe, that the Clergy anciently enjoyed an Exemption not only in Ecclesiastical Causes, but all others. I the rather mention this Corruption, because none of the Correctors of *Gratian* have taken any notice of it. The *Roman Censors* silently pass it over, and it has escaped the Diligence of *Antonius Augustinus* and *Baluzius* also. *Gothofred* indeed questions the Authority of the Law itself; but I shall not stand to dispute that, since there is nothing in it contrary to the preceeding Laws, or those that followed after.

Sect. 9. *And* Arcadius *and* Honorius:

For *Arcadius* and *Honorius* continued the same Privilege to the Clergy, confirming the ancient Laws, that whenever any Cause relating to Religion

[x] Cod. Th. Lib. 16. Tit. 12. de Episc. Judicio. Leg. 3. Continua Lege sancimus, ut nullus Episcoporum, vel eorum qui Ecclesiæ necessitatibus serviunt, ad Judicia sive Ordinariorum sive Extraordinariorum Judicum (quantum tamen ad Causas Ecclesiasticas pertinet) pertrahatur, &c. [y] Gratian. Caus. 11. Quæst. 1. c. 5.

was debated, the Biſhops [z] were to be Judges; but other Cauſes belonging to the Cognizance of the Ordinary Judges, and the Uſe of the Common Laws, were to be heard by them only.

Sect. 10. *And* Valentinian 3*d*, *and* Juſtinian.

Theodoſius Junior and *Valentinian* 3d refer to this Law of *Honorius*, as the ſtanding Law then in force concerning the Immunities and Liberties of the Clergy, ſaying in one of their Decrees, That [*a*] Biſhops and Presbyters had no Court of Secular Laws, nor any Power to judge of other Cauſes, except ſuch as related to Religion, according to the Conſtitutions of *Arcadius* and *Honorius* inſerted into the *Theodoſian* Code. So that all the ſame Laws which denied them Power in Secular Cauſes, allowed them the Privilege of judging in Eccleſiaſtical Cauſes; and the very excepting of other Cauſes is a manifeſt Proof, that there was no Conteſt made about theſe to the Time of *Juſtinian*, who confirmed the Privilege which ſo many of his Predeceſſors had granted before him. For in one of his Novels [*b*] we find it enacted, That all Eccleſiaſtical Crimes, which were to be puniſhed with Eccleſiaſtical Penalties and Cenſures, ſhould be judged by the Biſhop; the Provincial Judges not intermedling

[z] Cod. Th. Lib. 16. Tit. 11. de Religione Leg. 1. Quotiens de Religione agitur, Epiſcopos convenit judicare: Cæteras vero Cauſas, quæ ad Ordinarios Cognitores, vel ad uſum Publici juris pertinent, Legibus oportet audiri. [*a*] Valentin. Novel 12. ad Calcem Cod Theod. Conſtat Epiſcopos & Presbyteros Forum Legibus non habere: Nec de aliis Cauſis ſecundum Arcadij & Honorij Divalia Conſtituta, quæ Theodoſianum Corpus oſtendit, præter Religionem poſſe cognoſcere. [*b*] Juſtin. Novel. 83. Si vero Eccleſiaſticum ſit delictum, egens Caſtigatione Eccleſiaſtica & multa, Deo amabilis Epiſcopus hoc diſcernat, nihil communicantibus clariſſimis Provinciæ Judicibus. Neque enim volumus talia negotia omnino ſcire Civiles Judices.

intermedling with them. For, ſaith he, it is our Pleaſure that ſuch Matters ſhall not be heard by the Civil Judges.

Sect. 11. *The Clergy alſo exempt in leſſer Criminal Cauſes.*

Gothofred is alſo of Opinion [c], that ſome of the leſſer Criminal Cauſes of Eccleſiaſticks were to be determined by the Biſhops and their Synods likewiſe. For in the forementioned Law of *Gratian* (*See before Sect.* 7.) the *Levia Delicta*, or leſſer Crimes are reſerved to the hearing of Biſhops. And St. *Ambroſe* having ſpoken of the Decree of *Valentinian*, that orders all Eccleſiaſtical Cauſes to be judged by Biſhops only, adds alſo, That if in other Reſpects a Biſhop was to be cenſured, and his Morals [d] came under Examination, ſuch Cauſes as thoſe likewiſe ſhould appertain to the Epiſcopal Judgment. Which ſeems to put ſome Diſtinction between Eccleſiaſtical and Civil criminal Cauſes, and reſerve both to the Hearing of Biſhops and their Synods. But then, as *Gothofred* rightly obſerves, this muſt only be underſtood of leſſer criminal Cauſes: For in greater criminal Actions the Clergy were liable to the Cognizance of the Secular Judges as well as all others. Which is freely owned by *de Marca*, and ſome other ingenuous Writers of the *Romiſh* Church. For *de Marca* [e] quits

 the

[c] Gothofred. Com. in Cod. Th. Lib. 16. Tit. 2. Leg. 23. [d] Ambr. Ep. 32. Quinetiam ſi alias quoque argueretur Epiſcopus, & Morum eſſet examinanda Cauſa, etiam hanc voluit ad Epiſcopale Judicium pertinere. [e] Marca Diſſert. in Cap. Clericus ad Calcem Antonij Auguſtini de Emendat. Gratiani. p. 577. In Codice Theodoſiano Controverſiæ quæ ad Religionem pertinent, in quibus ſunt Crimina Eccleſiaſtica, & Minora Delicta è Civilium numero, Epiſcopis & cujuſque Diœceſeos ſive Provinciæ Synodis relinquuntur: Servatâ Judiciis Publicis Atrocium Criminum, quæ numero quinque, adverſus Clericos Cognitione; ut docent Leges aliquot editæ cura Sirmondi in Appendice Codicis Theodoſiani.

the Poſitions of *Baronius* and the Canoniſts, and confeſſes, that as it appears from the *Theodoſian* Code, that the Eccleſiaſtical Crimes, and leſſer Civil Crimes of the Clergy were left to the Hearing of Biſhops, and the Synods of every Dioceſe or Province: So the greater Civil Crimes of the Clergy, which he reckons five in Number, were reſerved to the Hearing of the Publick Courts and Civil Judges; which, he ſays, appears from the Laws publiſhed by *Sirmondus* in his Appendix to the *Theodoſian* Code.

Sect. 12. *But not in greater criminal Cauſes.*

Some reckon thoſe Laws to be of no very great Authority, and therefore I ſhall rather chuſe to confirm this Poſition from the undoubted Laws which occur in the Body of the *Theodoſian* Code. Such as that of *Theodoſius* and *Gratian*, which particularly excepts theſe greater [*f*] criminal Actions, and reſerves them to the Hearing of the ordinary or extraordinary Judges, or the *Præfectus-Prætorio* of the Dioceſe. And thoſe other Laws of *Theodoſius*, and *Arcadius*, and *Honorius*, and *Valentinian* 3*d*, which have been cited in the foregoing Sections [*], and need not here be repeated. To which we may add that Law of the Elder *Valentinian*, which orders [*g*] all ſuch Eccleſiaſticks to be proſecuted in the Civil Courts, that were found guilty of creeping into the Houſes of Widows and Orphans, and ſo inſinuating into their Affections, as to prevail upon them to diſinherit their

[*f*] Cod. Th Lib. 16. Tit. 2. de Epiſc Leg. 23. Exceptis quæ Actio Criminalis ab Ordinariis Extraordinariiſque Judicibus, aut Inluſtribus Poteſtatibus audienda conſtituit. [*] *See Sect* 8, 9, 10. [*g*] Cod. Th. Lib. 16. Tit. 2. Leg. 20. Eccleſiaſtici --- Viduarum ac Pupillarum domos non adeant: Sed publicis exterminentur Judiciis, ſi poſthac eos affines earum vel propinqui putaverint deferendos.

their Relations, and make them their Heirs. And that other Law of the Emperor *Marcian*, which in criminal Cauſes exempts the Clergy of *Conſtantinople* [*h*] from the Cognizance of all Inferior Courts, but not from the High Court of the *Præfectus-Prætorio* of the Royal City. Which appears alſo to have been the Practice at *Rome*. For *Socrates* [*i*] obſerves, that when in the Conflict which happened at the Election of Pope *Damaſus*, ſome Perſons were ſlain, many both of the Laity and Clergy upon that Account were puniſhed by *Maximinus*, who was then *Præfectus-Prætorio* at *Rome*. It appears farther from the Novels [*k*] of *Valentinian* 3d, that in ſuch criminal Actions as thoſe of Murder, Robbing of Graves, or the like, Biſhops as well as any other Clerks, were bound to anſwer before the Civil Magiſtrate by their Proctors. But *Juſtinian* a little enlarged the Privilege with reſpect to Biſhops, making [*l*] a Decree, that no one ſhould draw a Biſhop in any Pecuniary or Criminal Cauſe before a Secular Magiſtrate againſt his Will, unleſs the Emperor gave particular Order to do it. This was the plain State of the Matter, as to what concerned the Exemption of the Clergy in this

[*h*] Cod. Juſtin. Lib. 1. Tit. 3. de Epiſc. Leg. 25. Actor in nullo alio Foro, vel apud quemquam alterum Judicem eoſdem Clericos Litibus irretire, & Civilibus vel Criminalibus Negotiis tentet innectere. [*i*] Socrat. Lib. 4. c. 29. διὰ τοῦτο πολλὰς λαικάς τε καὶ κληρικὰς ὕστερον τὰς τότε ἐπάρχου Μαξιμίνου τιμωρηθῆναι. [*k*] Valent. Novel. 5. de ſepulcr. violat. ad Calcem Cod. Theod. It. Novel. 12. Quam formam etiam circa Epiſcoporum Perſonam obſervari oportere cenſemus. Ut ſi in hujuſmodi ordinis homines Actionem Pervaſionis & Atrocium Injuriarum dirigi neceſſe fuerit, per Procuratorem ſolemniter ordinatum, apud Judicem Publicum inter Leges & Jura confligant. [*l*] Juſtin. Novel. 123. n. 8. Sed neque ut Epiſcopus pro Pecuniaria aliqua aut Criminali Cauſa ad Civilem Militaremve Magiſtratum invitus perducatur, ſiſtaturve ſine Imperiali Juſſione concedimus.

ſort of criminal cauſes, notwithſtanding what *Baronius* or any others of that Strain have ſaid to the contrary. Nay, ſome Ages after, ſuch Crimes as Murder, Theft and Witchcraft were brought before the Secular Judges in *France*, as appears from the Council of [*m*] *Maſcon*, *An.* 581.

Sect. 13. *Nor in Pecuniary Cauſes with Laymen.*

The Caſe was much the ſame in all Civil Pecuniary Controverſies which the Clergy had with Laymen. For though they might end all ſuch Cauſes which they had one with another, in their own Courts, or before a Synod of Biſhops; and the Canons obliged them ſo to do, as has been noted in the laſt [*] Chapter; yet if their Controverſy happened to be with a Layman, the Layman was not bound to refer the Hearing of his Cauſe to an Eccleſiaſtical Court, unleſs he voluntarily conſented by way of Compromiſe to take ſome Eccleſiaſtical Perſons for his Arbitrators. This is evident from one of the Conſtitutions of *Valentinian* 3d, which ſays, That if the Plaintiff was a Layman, he might compel any Clergyman, with whom he had a Civil Conteſt, to anſwer in a Civil Court, if he [*n*] rather choſe it. And the Council of *Epone*, [*o*] according to the Reading of *Sirmond's* Edition, ſays the ſame, That the Clergy, if they were ſued in a Secular Court, ſhould make no ſcruple to follow the Plaintiff thither. But *Juſtinian*, at the Inſtance of *Mennas* Patriarch of *Conſtantinople*,

[*m*] Conc. Matiſcon. 1. Can. 7. [*] *Chap.* 1. *Sect.* 4. [*n*] Valent. Novel. 12. Petitor Laicus, ſeu in Civili ſeu in Criminali Cauſa, cujuſlibet loci Clericum adverſarium ſuum, ſi id magis eligat, per auctoritatem legitimam in publico Judicio reſpondere compellat. [*o*] Conc. Epaunenſ. c. 11. Si pulſati fuerint, ſequi ad ſeculare Judicium non morentur. *Yet Note that other Editions, as that of* Crab *and* Binius, *read it to a contrary Senſe,* Sequi ad ſeculare Judicium non præſumant.

Conſtantinople, granted the Clergy of the Royal City a peculiar Privilege, that in all Pecuniary Matters [p] their Cauſe ſhould firſt be brought before the Biſhop; and if the Nature of the Cauſe happened to be ſuch that he could not determine it, then Recourſe might be had to the Civil Judges, but not otherwiſe. From all which it appears, that anciently Exemptions of this Nature were not challenged as matters of Divine Right, but depended wholly upon the Will and Pleaſure of Chriſtian Princes, however after-Ages came to put another kind of Gloſs upon them.

Sect. 14. *Of the neceſſary Diſtinction between the Supreme and Subordinate Magiſtrates in this Buſineſs of Exemptions.*

Nay, it muſt be obſerved, that even in Eccleſiaſtical Cauſes, a great difference was always obſerved between the Power of the Prince or Supreme Magiſtrate, and that of the Subordinate and Inferior Judges. For though the Ordinary Judges were bound by the Laws not to intermedle with Eccleſiaſtical cauſes; yet in ſome Caſes the Prince himſelf interpoſed and appointed Extraordinary Judges, and ſometimes heard and decided the Cauſes himſelf, or reverſed the Deciſions of Eccleſiaſticks by his Sovereign Power, which no Ordinary Judges were qualified to do. But this belongs to another Subject, that will have a more proper Place in this Work, when we come to ſpeak of the Power of Chriſtian Princes.

CHAP.

[p] Juſtin. Novel. 83.

CHAP. III.

Of the Immunities of the Clergy in reference to Taxes and Civil Offices and other burdenſome Employments in the Roman *Empire.*

Sect. 1.

No Divine Right pleaded by the ancient Clergy to exempt themſelves from Taxes.

ANother Privilege which the Clergy enjoyed by the Favour of Chriſtian Princes, was, That in ſome certain Caſes, according to the Exigency of Times and Places, they were exempt from ſome of the Taxes that were laid upon the reſt of the *Roman* Empire. But whatever they enjoyed of this kind, they did not pretend to as matter of Divine Right, but freely acknowledged it to be owing to the Pious Munificence and Favour of Chriſtian Emperors. Therefore [*a*] *Baronius* does them great Injuſtice, and is guilty of very groſs Prevarication, in pretending that they claimed a Freedom from Tribute by the Law of Chriſt; and that no Emperor ever impoſed any Tax upon them, except only *Julian* the Apoſtate, and *Valens* the *Arian*, and the younger *Valentinian*, who was wholly governed by his Mother *Juſtina* an *Arian* Empreſs; that when St. *Ambroſe* paid Tribute under this *Valentinian*, he did it only out of his Chriſtian Meekneſs, not that he was otherwiſe under any Obligation to have done it. How true this Repreſentation is, the Reader may Judge in part from the Words of St. *Ambroſe*, which are theſe [*b*], If the Emperor demands Tribute of us, we

[*a*] Baron. an. 387. Tom. 4. p. 538. [*b*] Ambr. Orat. cont. Auxent. de tradend. Baſilicis poſt Ep. 32. Si tributum petit Imperator, non negamus; Agri Eccleſiæ ſolvunt tributum.—Solvimus quæ ſunt Cæſaris Cæſari, & quæ ſunt Dei Deo. Tributum Cæſaris eſt, non negatur.

we do not deny it: The Lands of the Church pay Tribute. We pay to *Cæſar* the things that are *Cæſar*'s, and to GOD the things that are GOD's. Tribute is *Cæſar*'s, and therefore we do not refuſe to pay it. This is ſo far from challenging any Exemption by Divine Right, that it plainly aſſerts the contrary. As in another place he argues, that all Men are under an Obligation to pay Tribute, becauſe [c] the Son of GOD himſelf paid it, *Mat.* 17. 23. And yet *Baronius* cites [d] that very Paſſage of the Evangeliſt to prove that the Clergy are *Jure Divino* exempt, becauſe our Saviour ſays, Then are the Children free. For if, ſays he, the Children be free; much more ſo are the Fathers, that is, the Paſtors, under whoſe Care Princes are. *Bellarmin* is much more Ingenuous in handling this Queſtion; for he aſſerts [e] againſt the *Canoniſts* (whoſe Opinion *Baronius* labours to maintain) that the Exemption of the Clergy in Political matters, whether relating to their Perſons, or their Goods, was introduced by Human Right only, and not Divine: And that in Fact they were never Exempted from any other but Perſonal Tribute till the Time of *Juſtinian*, when they were freed from Taxes upon their Eſtates and Poſſeſſions alſo. So little agreement is there betwixt theſe two great Cardinals of the *Romiſh* Church in their Accounts of this matter, either as to Fact or Right, that in every thing their Aſſertions are point blank contrary to one another.

To

[c] Ambr. Lib. 4. in Luc. 5 & ap. Gratian. Cauſ. 11. Q. 1. c. 28. Si cenſum Filius Dei ſolvit, quis tu tantus es, qui non putes eſſe ſolvendum? [d] Baron. an. 387. p. 538 [e] Bellarm. de Clericis Lib. 1. c. 28 Exceptio Clericorum in Rebus Politicis, tam quoad Perſonas, quam quoad Bona, jure Humano introducta eſt, non Divino. Hæc Propoſitio eſt contra Canoniſtas.

Sect. 2.

Yet generally excuſed from Perſonal Taxes, or Head-money.

To ſet the Matter in a clear Light, it will be neceſſary for me to give the Reader a diſtinct Account of the ſeveral ſorts of Tribute that were impoſed upon Subjects in the *Roman* Empire, and to ſhew how far the Clergy were concerned in each of them; which will be beſt done by having Recourſe to the *Theodoſian Code*, where moſt of the Laws relating to this Affair are ſtill extant. And this I ſhall the rather do, becauſe *Baronius* makes uſe of the ſame Authority, but with great Partiality, diſſembling every thing that would not ſerve the *Hypotheſis* he had undertaken to maintain.

Now the firſt ſort of Tribute I ſhall take notice of, is that which is commonly called *Cenſus Capitum*, or Perſonal Tribute, to diſtinguiſh it from the *Cenſus Agrorum*, or Tribute ariſing from Mens Eſtates and Poſſeſſions. That the Clergy were generally freed from this ſort of Tribute is agreed on all hands, only *Gothofred* has a very ſingular Notion about it. For he aſſerts [*f*] that under the Chriſtian Emperors there was no ſuch Tribute as this paid by any Men; ſo that the exemption of the Clergy in this Caſe was no peculiar Privilege belonging to them, but only what they enjoyed in common with all other Subjects of the *Roman* Empire But in this that Learned Man ſeems evidently to be miſtaken. For Firſt, he owns there was ſuch a Tribute under the Heathen Emperors, from which, as *Ulpian* [*g*] relates, none were excuſed

[*f*] Gothofred. Com. in Cod. Th. Lib. 11. Tit. 1. de Annon. & Tribut. Leg. 15. It. Com. in Lib. 13. Tit. 10. de Cenſu. Leg. 4 [*g*] Digeſt. Lib. 50. Tit. 15. de Cenſibus Leg. 3. Quibuſdam ætas tribuit, ne Tributo onerentur. Veluti in Syriis à Quatuordecim annis Maſculi, à Duodecim Fœminæ uſque ad Sexageſimum Quintum annum Tributo Capitis onerentur.

cuſed ſave only Minors under Fourteen, and Perſons Superannuated, that is above ſixty Five: Nor does he produce any Law to ſhew when or by whom that Tribute was ordered to be laid aſide. Secondly, *Theodoſius Junior*, the Author of the *Theodoſian Code*, makes expreſs mention of it, when in one of his Novels [*h*] he diſtinguiſhes betwixt the *Cenſus Capitum*, and *Cenſus agrorum*. Thirdly, there are ſeveral Laws in the *Theodoſian Code*, exempting the Clergy from Tribute, which cannot fairly be underſtood of any other Tribute but this ſort of Capitation. As when *Conſtantius* grants the Clergy the ſame Immunity from Tribute as Minors had, he plainly refers to the Old Law about Minors mentioned by *Ulpian*, and puts the Clergy upon the ſame Foot with them, granting them this Privilege, that not only they themſelves, but [*i*] their Wives and Children, their Men-Servants and their Maid-Servants, ſhould all be free from Tribute; meaning Perſonal Tribute, or that ſort of Capitation called *Capitis Cenſus*. After the ſame manner we are to underſtand thoſe two Laws of *Valentinian* [*k*], where he grants to Devoted Virgins, and Widows, and Orphans under twenty Years of Age, the ſame Immunity from Tribute, or as it is there called, The Capitation of the Vulgar.

[*h*] Theodoſ. Novel. 21. [*i*] Cod. Th. Lib. 16. Tit. 2. de Epiſc. & Cler. Leg. 10. & 14. Clericis ac Juvenibus præbeatur Immunitas. - - - Quod & Conjugibus & Liberis eorum & Miniſteriis majoribus pariter ac Fœminis indulgemus; quos à cenſibus etiam jubemus perſeverare immunes. [*k*] Cod. Th. Lib. 13. Tit. 10. de Cenſu Leg. 4. In virginitate perpetua viventes, & eam Viduam de qua ipſa maturitas pollicetur ætatis nulli jam eam eſſe nupturam, à Plebeiæ Capitationis injuria vindicandas eſſe decernimus: Item Pupillos in virili ſexu uſque ad viginti annos ab iſtiuſmodi functione immunes eſſe debere; mulieres autem donec virum unaquæque ſortitur. Ibid. Leg. 6. Nulla Vidua, nemo Pupillus exactionem Plebis agnoſcat, &c.

Vulgar. As alſo that other Law [*l*] of his, where he grants the like Privilege to Painters, together with their Wives and Children. From all which we may very reaſonably conclude, that this Exemption from Perſonal Taxes was not a thing then common to all, but a peculiar Privilege of ſome certain Arts and Profeſſions, among which the moſt Honourable was that of the Clergy.

This may be farther confirmed from an Obſervation or two out of *Gregory Nazianzen* and *Baſil*. *Nazianzen* in one of his Epiſtles [*m*] to *Amphilochius* complains, that the Officers of the Government had made an illegal attempt upon one *Euthalius* a Deacon, to oblige him to pay Taxes: Therefore he deſires *Amphilochius* not to permit this Injury to be done him; ſince otherwiſe [*n*] he would ſuffer an hardſhip above other Men, not being allowed to enjoy the favour of the Times, and the Honour which the Emperors had granted to the Clergy. Here he plainly refers to ſome Immunity from Tribute, which the Imperial Laws granted particularly to the Clergy; which could not be any Exemption of their Eſtates from Tribute, for there was no ſuch Law then in force to be appealed to: It muſt therefore mean their Exemption from Perſonal Taxes, from which they were freed by the Laws of *Valentinian* and *Conſtantius* already mentioned. This will ſtill receive greater Light and Confirmation from the Teſtimony of St. *Baſil*, who had occaſion to make a like Complaint to *Modeſtus* (who

[*l*] Cod. Th. Lib. 13. Tit. 4. de Excuſat. Artific. Leg. 4. Picturæ Profeſſores, ſi modo ingenui ſunt, placuit, neque ſui Capitis Cenſione, neque Uxorum, aut etiam Liberorum nomine, Tributis eſſe munificos. [*m*] Naz. Ep. 159. διαφέρειν ἐπιχειρῆσι χρυσὸν οἱ τῆς ἡγεμονικῆς τάξεως. [*n*] Ib. δεινότατα ἂν πάθοι, μόνος ἀνθρώπων μὴ τυγχάνων τῆς παρὰ καιρῶν φιλανθρωπίας, καὶ τῆς διδομένης τοῖς ἱερατικοῖς παρὰ τῶν βασιλέων τιμῆς.

(who was *Præfectus-Prætorio Orientis* under *Valens*) of ſome who had infringed the Privilege of the Clergy in exacting Tribute of them againſt the Laws. The ancient way of Taxing, ſays he, excuſed ſuch as were conſecrated to GOD [o], Preſbyters and Deacons, from paying Tribute: But now they who are ſet over this Affair, pretending to have no Warrant from your Eminency to excuſe them, have taxed them all, except ſuch as could claim a Privilege from their Age. Therefore his Requeſt to him was, συγχωρηθῆναι κατὰ τὸν παλαιὸν νόμον τὴν σωτελείας τοὺς ἱερατεύοντας, That the Clergy might be exempt from Tribute according to the ancient Laws. St. *Baſil* in this Paſſage refers to two ſorts of Laws Exempting Perſons from Tribute; The one, thoſe ancient Laws of the Heathen Emperors, which only excuſed Minors and Superannuates from Perſonal Tribute; The other, thoſe Laws of *Conſtantius* and *Valentinian*, which exempted the Clergy alſo, granting them that Immunity which only Minors enjoyed before. And this is the thing he complains of, that the Clergy were not allowed the Benefit of the Chriſtian Laws, but only thoſe Laws of the Heathen Emperors, whereby, if they chanced to be Minors or Superannuated, that is, under Twenty or above ſixty Five, they were excuſed, but not otherwiſe. From all which it evidently appears, that the Clergy might claim a peculiar Priviiege by the Laws to be exempted from Perſonal Tribute, and that this was not common to all the Subjects of the Empire, whatever

Gothofred

[o] Baſil. Ep. 279. ad Modeſt. τοὺς τῷ Θεῷ ἱερωμένους, πρεσβυτέρους καὶ διακόνους ὁ παλαιὸς κῆνσος ἀτελεῖς ἀφῆκεν. οἱ δὲ νῦν ἐπεσταλμένοι, ὡς ἐκ λαβόντες παρὰ τῆς ὑμετέρας σου ἐξουσίας πρόσταγμα, ἀπεσφάντο, πλὴν εἰ μή τινες ἄλλως εἶχον ἀπὸ τῆς ἡλικίας τὴν ἄφεσιν.

Gothofred and *Pagi* [p] from him have Suggeſted to the contrary.

Sect. 3. *But not excuſed for their Lands and Poſſeſſions.*

The next ſort of Tribute was that which was exacted of Men for their Lands and Poſſeſſions, which goes by ſeveral Names in the Civil Law and ancient Writers. Sometimes it is called Κανὼν, as by *Athanaſius* [q], where he complains how he was unjuſtly accuſed of impoſing a Tax upon *Egypt* for the uſe of the Church of *Alexandria*. So in the *Theodoſian Code* [r] there is a whole Title, *De Canone Frumentario Urbis Romæ*, which ſignifies the Tribute of Corn that was exacted of the *African* Provinces for the uſe of the City of *Rome*. It is otherwiſe called *Jugatio* from *Juga*, which as *Gothofred* notes [s] ſignifies as much Land as a Yoke of Oxen could Plow in a Year: And becauſe the Taxation was made according to that Rate, it had therefore the Name of *Jugatio* and *Juga*. It has alſo frequently the Name of *Capitatio* and *Capita*: And becauſe Mens Servants and Cattle were reckoned into their Taxable Poſſeſſions as well as their Lands, therefore in ſome Laws [t] the one is called *Capitatio terrena*, and the other *Capitatio Humana & Animalium*, or *Animarum Deſcriptio*. Theſe Taxes were uſually paid three times a year, once every four Months; whence *Sidonius Apollinaris* [u] ſtiles them *Tria Capita*, or the Monſter with Three Heads, which he deſired the Emperor *Majorianus* to free him from, that he might

[p] Pagi. Crit. in Baron. an. 353. n. 10. [q] Athan. Apol. 2. p. 778. ὡς ἐμὸν κανόνα τοῖς Αἰγυπτίοις ἐπιβάλλοντ. &c. [r] Cod. Th. Lib. 14. Tit. 15. [s] Gothofred. Com. in Cod. Theod. Lib. 13. Tit. 10. de Cenſu. Leg. 2. p. 118. Ego juga putem dicta Terræ modum, cui colendo per annum Jugo boum opus eſt. [t] Cod. Th. Lib. 11. Tit. 20. de Conlat. Donat. Leg. 6. [u] Sidon. Carm. 13. ad Majorian.

might live and ſubſiſt the better: For thus he addreſſes himſelf to him in his Poetical Way:

Geryones nos eſſe puta, Monſtrumque Tributum:
Hic Capita, ut vivam, Tu mihi tolle Tria.

In which Words, which none of the Commentators rightly underſtood, he refers to a Law [w] of *Valentinian's*, and ſeveral others in the *Theodoſian* Code, where this ſort of Tribute is required to be paid by three certain Portions in a Year, or once in four Months, which in his Phraſe is the *Tria Capita*, or Monſter with three Heads. The Collectors of this Tax were alſo hence called *Cephaleotæ*, Collectors of the Capitation [x] in ſome Laws of the *Theodoſian* Code. And becauſe this Tribute was commonly paid in Specie, as in Corn, Wine, Oyl, Iron, Braſs, *&c.* for the Emperor's Service, therefore it is often called *Specierum Collatio*. And being the ordinary ſtanding Tax of the Empire, it is no leſs frequently [y] ſtiled *Indictio Canonica*, in Oppoſition to the *Superindicta & Extraordinaria*, that is, ſuch Taxes as were levied upon extraordinary Occaſions. I have noted theſe things here all together, that I may not be put to explain the Terms at every turn hereafter, as I have occaſion to make uſe of them, which are indeed a little uncommon, and not eaſily underſtood, but by ſuch as are converſant in the Civil Law.

Q Now

[w] Cod. Th Lib. 11 Tit 1 de Annona & Tribut Leg 15. Unuſquiſque annonarias Species, pro modo Capitationis & ſortium, præbiturus, per Quaternos Menſes anni curriculo diſtributo, Tribus vicibus ſummam conlationis implebit [x] Cod. Th. Lib 11. Tit. 24. de Patrocin Vicor. Leg. 5 [y] Cod. Th. Lib. 6. Tit. 26. de Proximis Comitib. &c. Leg. 14.

Now to the Queſtion in Hand, Whether the Clergy in general were exempt from this ordinary Canonical Tribute laid upon Mens Goods and Poſſeſſions? I anſwer in the Negative againſt *Baronius*, who aſſerts the contrary. Some particular Churches indeed had ſpecial Favours granted them by indulgent Princes, to exempt them from all Tribute of this kind: But thoſe very Exceptions prove, that what was Matter of Grace to ſome particular Churches, could not be the common Privilege of all Churches. *Theodoſius Junior* granted a ſpecial Exemption to the Church of *Theſſalonica*, that ſhe ſhould pay no Capitation [z] for her own Eſtate, provided ſhe did not take other Lands into her Protection, to the Detriment of the Commonwealth under the Pretence of an Eccleſiaſtical Title. He alſo allowed the Churches of *Conſtantinople* and *Alexandria* the ſame Privilege [a] upon the like Condition, That they ſhould not take any Villages great or ſmall, into their Patronage, to excuſe them from paying their antient Capitation. *Gothofred* is alſo of Opinion, That in the beginning of *Conſtantine*'s Reign, while the Church was poor, and her ſtanding Revenues but ſmall, her Eſtates and Poſſeſſions were univerſally excuſed from Tribute: For there is a Law in the *Theodoſian* Code which may be interpreted

[z] Cod. Th. Lib. 11. Tit. 1. de Annona & Tribut. Leg. 33. Sacroſancta Theſſalonicenſis Eccleſia Civitatis excepta: Ita tamen ut aperte ſciat, propriæ tantummodo Capitationis modum beneficio mei Numinis ſublevandum: Nec externorum gravamine Tributorum Rempublicam Eccleſiaſtici nominis abuſione lædendam. [a] Cod. Th. Lib. 11. Tit. 24. de Patrocin. Vicorum, Leg. 5. Quicquid Eccleſiæ venerabiles, (id eſt, Conſtantinopolitana & Alexandrina) poſſediſſe deteguntur, id pro intuitu Religionis ab his præcipimus firmiter retineri: Sub ea videlicet ſorte, ut in futurum functiones omnes quæ Metrocomiæ debent, & publici vici pro antiquæ Capitationis profeſſione debent, ſciant ſubeundas.

interpreted to this purpose: Though the Words are so obscure [b], that without the help of so wise an Interpreter, one would hardly find out the Sense of them. However admitting them to signify such a Privilege, it is certain it lasted not many Years: For in the next Reign under *Constantius*, when the Church was grown pretty Wealthy, all the Clergy that were possessed of Lands, were obliged to pay Tribute, in the same manner as all others did: As appears from a Law of *Constantius* directed to *Taurus Præfectus-Prætorio*, which is still extant [c] in both the Codes. This is farther evident from the Testimony of *Valentinian*, who in an Epistle to the Bishops of *Asia*, recorded by *Theodoret* [d] says, all good Bishops thought themselves obliged to pay Tribute, and did not resist the Imperial Power. And thus matters continued to the Time of *Honorius* and *Theodosius* Junior, in one of whose Laws [e] the Church-Lands are still made liable to this Ordinary or Canonical Tribute, as it is there worded, though excused from all other. So little reason had *Baronius* to assert with that Confidence, That no Prince except *Julian* the Apostate, and

[b] Cod. Th. Lib. 11. Tit. 1. de Annon. & Tribut. Leg. 1. Præter privatas Res nostras, & Ecclesias Catholicas, & domum clarissimæ memoriæ Eusebij Ex-consule, & Arsacis Regis Armeniorum, nemo ex nostra jussione præcipuis emolumentis Familiaris juvetur substantiæ. [c] Cod. Th. Lib. 16. Tit. 2. de Episc. & Cler. Leg. 15. De his sane Clericis qui Prædia possident, sublimis auctoritas tua non solum eos aliena juga nequaquam statuet excusare, sed etiam his quæ ipsi possident eosdem ad pensitanda Fiscalia perurgeri: Universos namque Clericos Possessores duntaxat Provinciales Pensitationes recognoscere jubemus. Vid. Cod. Justin. Lib. 1. Tit. 3. Leg. 3. [d] Theod. Lib. 4. c. 8. τὰ δημόσια κατὰ νόμους εἰσκομίζειν ἴσα, καὶ οὐκ ἀντιλέγειν τῇ τοῦ κρατοῦντος ἐξουσίᾳ. [e] Cod. Th. Lib. 16. Tit. 2. de Episc. & Cler. Leg. 40. Nihil præter Canonicam Inlationem - - - ejus Functionibus adscribatur.

Valens the *Arian*, and the younger *Valentinian*, who was under the Conduct of an *Arian* Woman, ever exacted any Tribute of the Clergy: When as it appears that every Emperour after *Conſtantine* did exact it, and *Baronius* could not be ignorant of this, having viewed and peruſed the *Theodoſian* Code, where theſe Things are recorded.

Sect. 4. *Of the Tribute called,* Aurum Tironicum, Equi Canonici, *&c.*

If in any thing of this Tribute they were exempt, it muſt be from the Obligation ſome Provinces lay under to furniſh the Emperours with new Soldiers, called *Tirones*, and freſh Horſes for the Wars; which becauſe they were exhibited by way of Tribute, they are called in the Law *Equi Canonici*, from the Civil-Law Term *Canon*, and *Canonica*, which, as I obſerved before, ſignifies the Tribute that was laid upon Men's Lands and Poſſeſſions. Sometimes this Tribute was exacted in Money inſtead of Horſes, and then it was called [f] *Equorum Canonicorum Adæratio*, Horſe-Money: In like manner as the Sum that was paid inſtead of the *Tirones*, was called *Aurum Tironicum, & Stratioticum*, Soldiers-Money, which we find mentioned in *Syneſius*, where ſpeaking [g] of *Andronicus*, Governour of *Ptolemais*, he ſays, He ſet one *Thoas* to collect this *Aurum Tironicum*; which the Editor by Miſtake ſays was ſo called, *quia ſolvebatur Tironibus*, becauſe it was paid to the *Tirones*; whereas indeed it was the Money that was paid inſtead of the *Tirones* by way of Tribute into the Treaſury of the Empire. Now that ſome Biſhops, at leaſt in *Africk*, were

[f] Cod. Th. Lib. 11. Tit. 17. de Equor Conlat. Leg. 3. Equos Canonicos militaris Diœceſeos Africanæ --- juſſimus adærari, &c. [g] Syneſ. Ep. 79. ad Anaſtaſ. p. 293. ταῖς ἀπαι-τήσεσιν ἔταξε τὸ στρατιωτικὸν χρυσίον τὸ καλούμενον τιρωνικόν.

were excuſed from this Tribute, is concluded by ſome learned Men from a law [*b*] of *Theodoſius* Junior, which excuſes certain Perſons from it under the Title of *Sacerdotales* in the Proconſular *Africk*, and that becauſe they were otherwiſe obliged to be at great Expences in that Province. But now the Queſtion is, who are meant by the Name, *Sacerdotales*. The learned *Petit* [*i*] ſays it denotes Chriſtian Biſhops: And if ſo, the Caſe would be clear as to their Exemption: But *Gothofred* rather inclines [*k*] to think it means the high Prieſts among the Heathens, who were ſtill in being, and obliged by their Office to be at great Expences in exhibiting the *Ludi Sacerdotales* to the People. I will not venture to decide ſo nice a Diſpute betwixt two ſuch learned Men, but think however I may ſafely infer even from *Gothofred*'s Notion, That if the Chriſtian Emperours were ſo liberal to the Heathen High Prieſts, they would at leaſt be as liberal to their own Biſhops, and grant them the ſame Immunity. But I leave this Matter to farther Enquiry.

Sect. 5.
The Church obliged To ſuch Burthens as Lands were tied to before their Donation.

One thing is more certain, That whatever Burthens any Lands were originally encumbered with, they were liable to the ſame even after their Donation to the Church, unleſs diſcharged of them by ſome particular Grant and Favour of the Emperours. This we learn from a memorable In-

[*b*] Cod. Th. Lib. 7. Tit. 13. de Tironibus Leg. 22. Præcipimus Proconſularis Provinciæ non eandem Sacerdotalium quæ eſt de cæteris, in præbendis Tironibus habendam eſſe rationem: Non inique ſiquidem ea potiſſimum ab hoc officio Provincia videtur excepta, quæ omnium intra Africam Provinciarum obtinet Principatum, cujuſque majoribus fatigantur expenſis. [*i*] Petit. Variar. Lection. Lib. 3. c. 1. p. 28. [*k*] Gothofred. Com. in Cod. Th. 7. 13. 22.

ſtance in a particular Caſe wherein St. *Auſtin* was concerned, the Account of which we have from his own Relation. For the right underſtanding of which I muſt firſt acquaint the Reader, that by the Laws of the *Roman* Polity many times a Company of Tradeſmen were ſo incorporated into a Society for the Service of the Empire, that their Eſtates were tied to that Office and Duty, ſo that whoever had the Propriety of them, he was bound to the Duty annexed to them. Thus it was particularly with the Incorporated Company of the *Navicularij* of *Africk* and *Ægypt*, who were concerned in tranſporting the yearly Tribute of Corn from thoſe Provinces to *Rome* and *Conſtantinople*. Their Eſtates were tied to the Performance of this Service, as appears from a Title in the *Theodoſian Code* [*l*], which is *de Prædiis Naviculariorum*: And they were ſo tied, that if any Ship chanced to be loſt in the Paſſage, the whole Body was obliged to make good the Effects to the Emperours Coffers; and the Maſter of the Ship was obliged [*m*] to give up his Men that eſcaped the Shipwreck, to be examined by Torture afterwards; otherwiſe he muſt have born the whole Burthen himſelf alone, on Preſumption that he was guilty of ſome Fraud in the Matter againſt the reſt of his Society. Now it happened while St. *Auſtin* was Biſhop of *Hippo*, that one of theſe *Navicularij*, *Boniface* a Maſter of a Ship, left his whole Eſtate to the Church; which yet St. *Auſtin* refuſed to receive, becauſe of theſe Burthens that

[*l*] Cod. Th. Lib. 13. Tit. 6. [*m*] Cod. Th. Lib. 13. Tit. 9. de Naufragiis Leg. 2. Si quando Cauſatio eſt de impetu procellarum, medium ex his nautis numerum Navicularius exhibeat Quæſtioni ---- Quo eorum tormentis plenior veritas poſſit inquiri.

that lay upon it. For, ſays he [n], I was not willing to have the Church of Chriſt concerned in the Buſineſs of Tranſportation. 'Tis true indeed there are many who get Eſtates by Shipping: Yet there is one Temptation in it, if a Ship ſhould chance to go and be loſt, then we ſhould be required to give up our Men to the Rack, to be examined by Torture according to Law about the drowning of the Ship, and the poor Wretches that had eſcaped the Waves muſt undergo a new Severity from the Hands of the Judge: But we could not thus deliver them up; for it would not become the Church ſo to do. Therefore ſhe muſt anſwer the whole Debt to the Exchequer. 'But whence ſhould ſhe do this? For our Circumſtances do not allow us to keep a Treaſury. A Biſhop ought not to lay up Gold in Bank, and meanwhile refuſe to relieve the poor. Theſe words of St. *Auſtin* do plainly evince what has been obſerved, that the Donation of an Eſtate to the Church did not ordinarily free it from the Tribute or Duty, that the publick otherwiſe demanded of it; but if the Church would receive it, ſhe muſt take it with the uſual Burthens that lay upon it. I confeſs indeed the Senſe of the Paſſage, as it lies in St. *Auſtin* without a Comment, is not very eaſie to be underſtood; nor have any of his Editors, no not the laſt *Benedictins*, thought fit to expound

[n] Aug. Serm. 49. de Diverſis. Tom. 10. p. 520. Bonifacii hæreditatem ſuſcipere nolui; non miſericordia, ſed timore. Naviculariam nolui eſſe Eccleſiam Chriſti. Multi ſunt quidem qui etiam de navibus acquirunt: Tamen una tentatio eſt, ſi iret navis & naufragaret, homines ad Tormenta daturi eramus, & de ſubmerſione navis ſecundum conſuetudinem quæreretur: & torquerentur à Judice qui eſſent à fluctibus liberati: Sed non eos daremus: Nullo enim pacto hoc facere deceret Eccleſiam. Onus ergo Fiſcale perſolveret. Sed unde perſolveret? En thecam nobis habere non licet, &c.

pound it; but for that Reaſon, as well as to make good my own Obſervation, I have recited it in this Place, and explained it from thoſe Laws and Cuſtoms of the Empire, to which it manifeſtly refers. And ſuch a Digreſſion, if it were a Digreſſion, I preſume would not be unacceptable to the Curious Reader.

Sect 6. *Of the* Chryſargyrum, *or* Luſtral *Tax, and the Exemption of the Clergy from it.*

But now to proceed. Another ſort of Tribute, in which the Clergy had ſome Concern, was the Tax upon Trade and Commerce. This in ancient Writers [o] is known by the Name of χρυσάργυρον, *Chryſargyrum*, The Silver and Gold-Tax, becauſe it was paid in thoſe Coins. *Zoſimus* [p] indeed makes the *Chryſargyrum* another thing, *viz.* A Scandalous Tax exacted of lewd Men and Women; and in his ſpite to Chriſtianity he repreſents *Conſtantine* as the Author of it; in which his groundleſs Calumny he is abundantly refuted by *Baronius* [q], and more eſpecially by the Learned [r] *Gothofred*, and *Pagi*, whom the curious Reader may conſult. Here I take the *Chryſargyrum* in the common Notion only for the Tax upon Lawful Trade and Commerce, which St. *Baſil* calls [s] πραγματευτικὸν χρυσίον, Commerce-Money. In the Civil Law it is known by the Name of *Luſtralis Collatio*, The *Luſtral* Tax, becauſe it was exacted at the return of every *Luſtrum*, or four Years end. It was indeed a very grievous Tax, eſpecially upon the Poor; for not the meaneſt Tradeſman was exempted from it. *Evagrius* [t] ſays it was exacted

[o] Evagr. Hiſt. Eccleſ. Lib. 3. c. 39. [p] Zoſim. Lib. 2. [q] Baron *an.* 330. n. 36. [r] Gothofred. Com. in Cod. Th. Lib. 13. Tit. 1. de Luſtrali Collatione Leg. 1. Pagi. Critic. in Baron. an. 330. n. 6. [s] Baſil. Ep. 243. [t] Evagr. Lib. 3. c. 39.

exacted even of those who made Begging their Trade, ἐξ ἐρέυνᾳ τὴν τροφὴν ποριζόσι. Whence *Libanius* [u] calls it the Intolerable Tax of Silver and Gold, that made Men dread the terrible *Pentaeteris*, or Return of every Fifth Year. And for the same Reason as the Author under the Name of St. *Austin* [w] takes Notice, it was commonly called, *Aurum Pannosum*, The Poor Man's Tax, or as some Editions read it, *Aurum Pœnosum*, The Cruel Tax, because it was exacted of the Poor. But now a particular Respect was paid to the Church in this matter; for when her Revenues were scanty, and not sufficient to give all the Clergy a Decent Maintenance, the Inferior Orders, the *Clerici*, were allowed to Traffick to support themselves, without paying any Tribute of this Nature. This Indulgence was first granted by *Constantius* without any Restriction, That if any of them [x] was minded to follow a Calling to maintain themselves, they should be freed from Custom. But that none of them might abuse this Privilege to Covetousness, they were confined afterwards by several Laws to Trade within a certain Sum, which if they exceeded, they were to pay Custom for it. This appears from a second Law of the same

[u] Liban. Orat. 14. cont. Florent. T. 2. p. 427. φόρῳ ἀφόρητος, ἀργυρος καὶ χρυσὸς, φρίττειν παρασκευάσας ποιῶν τὰς δεινὰς πενταετηρίδας [w] Aug. Quæst Vet & Nov. Test. c. 75. Didrachma Capitum vel Tributi exactio intelligitur; quod nunc Pannosum Aurum appellatur, quia & pauperes exiguntur. [x] Cod. Th. Lib. 16. Tit. 2 de Episc. & Cler Leg. 8 Si qui de vobis Alimoniæ causa negotiationem exercere volunt, Immunitate potientur. It Cod. Lib. 13. Tit. 1. de Lustrali Collatione Leg. 1. Negotiatores omnes protinus convenit aurum argentumque præbere: Clericos excipi tantum (&) qui Copiatæ appellantur, nec alium quenquam esse immunem.

ſame [*y*] *Conſtantius*, and another of *Gratian*'s [*z*] where the *Italian* and *Illyrican Clerici* are confined to the Sum of Ten Solids, and the *Gallican* to Fifteen. Yet if any would Trade farther, only with a Charitable Deſign, to raiſe Funds and *Monte-Pio's* for the uſe of the Poor, they were allowed by two [*a*] other Laws of *Conſtantius* to employ what Sums they pleaſed, and pay none of this Tribute for them. It is to be noted farther, that this Immunity was granted by *Honorius* to the Catholick [*b*] Clergy only, and to no others. And the Privilege was eſteemed ſo great, that ſome Covetous Tradeſmen would uſe means to get themſelves admitted to a Titular Office among the Inferior Clergy of the Church, with no other deſign but to enjoy this Immunity, and to follow their Trade without paying the *Luſtral* Duty. Againſt whoſe Fraudulency and Corruptions the Emperour *Arcadius* made a ſevere [*c*] Law, commanding all ſuch, if

[*y*] Ibid. Lib. 16. Tit. 2. de Epiſc. Leg. 15. Clerici vero, vel hi quos Copiatas recens uſus inſtituit nuncupari, ita à Sordidis Muneribus debent immunes atque à Conlatione præſtari, Si exiguis admodum mercimoniis tenuem ſibi victum veſtitumque conquirent. [*z*] Cod. Th. Lib. 13. Tit. 1. de Luſtrali Collat. Leg. 11. Etſi omnes Mercatores ſpectat Luſtralis auri depenſio, Clerici tamen intra Illyricum & Italiam in denis Solidis; intra Galliam in Quinis denis Solidis immunem uſum Converſationis exerceant. Quicquid autem ſupra hunc modum negotiationis verſabitur, id oportet ad Functionem Aurariam devocari. [*a*] Cod. Th. Lib. 16. Tit. 2. de Epiſc. & Cler. Leg. 10. Negotiatorum diſpendiis minime obligentur (Clerici), cum certum ſit, quæſtus quos ex Tabernaculis (leg. Tabernis) atque Ergaſteriis colligunt, Pauperibus profuturos. Ibid. Leg. 14. Si quid Mercatura congeſſerint, in uſum Pauperum atque egentium miniſtrari oporet, &c. [*b*] Cod. Th. Lib. 16. Tit. 2. Leg. 36. Catholicæ Religionis Clerici---- ab Auraria Penſione habeantur immunes. [*c*] Ibid. Lib. 13. Tit. 1. de Luſtralis Collat. Leg. 16. Omnes Corporatos ---- præcipimus conveniri, ut aut commoda negotiatorum ſequentes, à Clericorum excuſatione diſcedant: aut Sacratiſſimo Numini Servientes, verſutis quæſtibus abſtineant; diſtincta enim Stipendia ſunt Religionis & Calliditatis. they

they followed their Merchandize, to be deprived of this Immunity of the Clergy; or if they would devote themſelves to the ſacred Service, then they ſhould abſtain from all ſuch fraudulent and crafty ways of Gain: For, ſaith he, the Wages of Religion and Craft are very different from one another. And for this Reaſon probably when the Revenues of the Church were become Sufficient to maintain all the Clergy, *Valentinian* the third [d] enacted a Law, that none of the Clergy ſhould Negotiate as formerly; otherwiſe they ſhould come under the Cognizance of the ſecular Judges, and not enjoy the Privilege of the Clergy *Evagrius* [e] adds, that the Emperour *Anaſtaſius* quite aboliſhed the *Chryſargyrum* or *Luſtral* Tax itſelf; and that is the Reaſon why there is no mention at all made of it afterward in the *Juſtinian Code.*

Sect. 7. *Of the* Metatum. *What meant thereby, And the Exemption of the Clergy from it.*

Another ſort of Duty incumbent on the Subjects of the Empire, was the Burden and Charge of giving Entertainment to the Emperours Court and Retinue, when they had occaſion to Travel; or to the judges, or Soldiers as they paſſed from one Place to another. This the Civil Law [f] calls *Metatum*, and the *Greeks* Μιτάτον, from the word, *Metatores*, which ſignifies the Emperours Harbingers or Fore-runners, which were ſent before to provide Lodging and Entertainment for them. In alluſion to which, *Cyprian* [g] ſpeaking of

[d] Valentin. Novel. 12. ad Calcem Cod. Theod. Jubemus ut Clerici nihil prorſus negotiationis exerceant. Si velint negotiari, Sciant ſe Judicibus ſubditos, Clericorum Privilegio non muniti. [e] Evagr. Lib. 3. c. 39. [f] Cod. Th. Lib. 7. Tit. 8. de Onere Metati. Cod. Juſtin. Lib. 12. Tit. 41. de Metatis. [g] Cypr. Ep. 81. al. 6. Edit. Oxon. Primum Hoſpitium vobis in carcere præparavit, & Metator quodammodo veſter nunc quoque vos antecedit.

of *Rogatian* an eminent Presbyter of *Carthage*, who was the first Martyr that was sent to Prison in the *Decian* Persecution, says, he was *Metator* to the rest, their Harbinger, that went before them to prepare a Place in Prison for them. And in the same Sense *Lucian* the Martyr in *Cyprian*, elegantly stiles *Decius* himself [*h*] *Metatorem Antichristi*, the Harbinger of *Antichrist*, who by that terrible Persecution made Preparation for his Coming into the World. From this notion of the word, *Metator*, that Duty of yielding Entertainment to the Emperours Retinue, *&c.* has the Name of *Metatum* in the two *Codes* of the Civil Law. But the Clergy were excused from this by a Law [*i*] of *Constantius*, where he says they should not be obliged to entertain Strangers; by which he cannot be supposed to excuse them from the Christian Duty of Hospitality to the Indigent, but from this Civil Duty of the *Roman* State, to which other Subjects were obliged. Whence *Gothofred* [*k*] very truly observes, that the Clergy in this respect had equal Privileges with Senators Houses, and Jewish Synagogues, and Christian Churches; all which were exempt from this Duty of Entertaining. And if the *Greek* Collector of the Ecclesiastical Constitutions out of the *Code*, published by *Fabrottus*, mistake not, this Immunity extended to their Servants also. For he says [*l*] neither the Clergy nor their Servants were Subject to any new Impositions, or to this Burden called the *Metatum*.

And

[*h*] Lucian. ap. Cypr. Ep. 20. al. 22. [*i*] Cod. Th. Lib. 16. Tit. 2. de Episc. Leg. 8. Præterea neque hospites suscipietis. [*k*] Gothofred. Paratitlon ad Cod. Th. Lib. 7 Tit. 8. de Onere Metati. Tom. 2. p 264. Immunes erant à Metato Clerici, Senatorum Domus, Synogogæ Judæorum, & Religionum Loca. [*l*] Collect. Constit. Eccles. ex Cod. Lib. 1. Tit. 3. Sect. 1. οἱ κληρικοὶ ἢ τὰ ἀνδράποδα αὐτῶν οὐ κατέκειντο καιναῖς εἰσφοραῖς ἢ μετάτοις.

Sect. 8. *Of the* Superindicta *and* Extraordinaria. *The Clergy exempt from them.*

And hence it appears farther, that they were freed from all Exactions which went by the Name of *Superindicta*, and *Extraordinaria*, that is, such Impositions as the Emperours thought necessary to lay upon the Empire, or any part of it, beyond the Ordinary Canonical Taxes, upon great Exigencies and Extraordinary Occasions. For as the Ordinary Taxes were called Indictions, so these Extraordinary were called [*m*] Superindictions. From these the Clergy were universally exempted by several Laws of Christian Emperours. As by that of *Constantius* [*n*] in the *Theodosian Code*, where he refers to a Preceding Law to the same purpose. According to the Decree, says he, which you are said to have obtained heretofore, no one shall impose any New Taxes upon you or your Servants, but you shall enjoy a perfect Immunity in that respect. *Gothofred* upon the Place says, by this Law they were freed from all extraordinary Tribute, and only bound to the Ordinary and Canonical Taxes. And so it was in the time of *Honorius* and *Theodosius* Junior, *an.* 412. when by a Law granting many other Priviledges to the Church relating to her Possessions, they insert this among the rest, that no Extraordinary Tribute or Superindiction, but only the common [*o*] Canonical Tax should be required of her. Which

[*m*] Vid. Cod. Theod. Lib. 11. Tit. 6. de Superindicto, & Cod. Justin. Lib. 10. Tit. 18. de eodem. [*n*] Cod. Th. Lib. 16. Tit. 2. de Episc. & Cler. Leg. 8. Juxta Sanctionem quam dudum meruisse perhibemini, & vos & mancipia vestra nullus Novis Collationibus obligavit (id est, obligabit), sed vacatione gaudebitis. Gothofred. in Loc. Ab extraordinariis Collationibus immunes facti fuerunt, at nondum ab Ordinariis & Canonicis. [*o*] Cod. Th. Lib. 16. Tit. 2. de Episc. & Cler. Leg. 40. Nihil Extraordinarium ab hac Superindictitiumve flagitetur ---- Nihil præter Canonicam Inlationem ejus functionibus ascribatur.

Which was finally Confirmed by *Juſtinian* [p], and made the ſtanding Law of the *Roman* Empire.

Sect. 9. *The Clergy ſometimes exempt from Contributing to the Reparation of Highways and Bridges.*

As to ſome other Duties and Burdens, the Laws a little varied; For ſometimes the Clergy were exempted, and ſometimes not; as particularly in the Caſe of contributing to the Maintenance and Reparation of Publick Ways and Bridges. By the forementioned Law of *Honorius an.* 412. all Church-Lands are excuſed [q] from thoſe Duties, and it is called an Injury to bind them to any Contribution toward them. Yet not long after *an.* 423. *Theodoſius* Junior made a Law for the *Eaſtern* Empire, which excepts no Order of Men from bearing a ſhare in this matter, but obliges as well his own Poſſeſſions, (called *Domus Divinæ* in the Stile and Language of thoſe Times) as Churches [r] to take their Proportion in it. And about the ſame time *Valentinian* the third made a Law [s] to the ſame Effect in the *Weſt*. *Juſtinian* confirmed the Law of *Theodoſius* by inſerting it [t] into his *Code*, and added another Law of his own

[p] Juſtin. Novel. 131. c. 5. Sancimus omnium Sanctarum Eccleſiarum Poſſeſſiones, neque ſordidas Functiones, neque extraordinarias Deſcriptiones ſuſtinere. [q] Cod. Th. Lib. 16. Tit. 2. de Epiſc. & Cler. Leg. 40. Nullam Jugationem, quæ talium Privilegiorum ſorte gratulatur, muniendi itineris conſtringat injuria. --- Nulla Pontium inſtauratio: Nulla Tranſlationum ſollicitudo gignatur. [r] Cod. Th. Lib. 15. Tit. 3. De Itin. muniendo. Leg. 6. Ad Inſtructiones Reparationeſque Itinerum Pontiumque nullum genus hominum ceſſare oportet. Domos etiam Divinas, ac venerandas Eccleſias tam laudabili Titulo libenter adſcribimus. [s] Valentin. Novel. 21. ad Calcem. Cod. Th. [t] Cod. Juſt. Lib. 1. Tit. 2. Leg. 7.

own among his Novels, where [u] though he grants he Clergy an Immunity from Extraordinary Taxes, yet he adds, That if there was Occaſion to make a Way, or Build or repair a Bridge, then Churches as well as other Poſſeſſors ſhould contribute to thoſe Works, if they had Poſſeſſions in any City where ſuch Works were to be done.

Sect. 10. *As alſo from the Duty call'd* Angariæ, *and* Parangariæ, *&c.*

The Laws varied likewiſe in another Inſtance of Duty required of the Subjects, which was to furniſh out Horſes and Carriages for Conveying of Corn for the Soldiers, and ſuch other things as belonged to the Emperours Exchequer. This Duty in the Civil Law [w] goes by the Name of *Curſus Publicus*, and *Angariæ*, and *Parangariæ*, and *Tranſlatio*, and *Evectio*, and the Horſes uſed in this Service are particularly called *Paraveredi*, and *Equi Curſuales*. Now the Clergy at firſt were exempt from this Service by two Laws of *Conſtantius* [x] made in the former part of his Reign, which expreſly excuſe both their Perſons and their Eſtates from the Duty of the *Parangariæ*. But by another Law made in the laſt Year of his Reign, *An.* 360. he revoked this Privilege, obliging the Clergy to the Duty of Tranſlation, as it is there worded [y], by which he means

[u] Juſt. Novel. 131. c. 5. Si tamen Itineris ſternendi aut Pontium ædificij vel reparationis opus fuerit, ad inſtar aliorum Poſſeſſorum, hujuſmodi opus & Sanctas Eccleſias & venerabiles domos complere, dum ſub illa poſſident Civitate, ſub qua tale fit opus. [w] Cod. Th. Lib. 8. Tit. 5. de Curſu Publico, Angariis, & Parangariis. Cod. Juſtin. Lib. 12. Tit. 51. [x] Cod. Th. Lib. 16. Tit. 2. de Epiſc. & Cler. Leg. 10. Parangariarum quoque parili modo (à Clericis) ceſſet Exactio. Ibid. Leg. 14. Ad Parangariarum quoque præſtationem non vocentur, nec eorundem Facultates atque Subſtantiæ. [y] Cod. Th. Ibid. Leg. 15. Ut præterea ad univerſa munia ſuſtinenda, Tranſlationeſque faciendas, omnes Clerici debeant adtineri.

means this Duty of furniſhing Horſes and Carriages for the Emperour's Service. And this he did, notwithſtanding that the Council of *Ariminum* had Petitioned for an Immunity, being at a Time when *Conſtantius* was diſpleaſed with them. However this Law continued in force, not only under *Julian*, but under *Valentinian* and *Theodoſius*, till by a contrary [z] Law about twenty Years after, *An.* 382, they reſtored the Clergy to their ancient Privilege. Which was farther confirmed to them by *Honorius an.* 412. whoſe Law is ſtill extant [a] in both the *Codes*. Yet *Theodoſius* Junior and *Valentinian* the third *an.* 440. took away their Privilege again, and by two Laws [b] made Church-Lands liable to theſe Burdens of the *Angariæ*, *Parangariæ*, &c. (whenever the Emperour ſhould be upon any March or Expedition) as well as all others. From all which it appears, that there was no certain Rule obſerved in this matter, but the Clergy had, or had not this Privilege, according as the State of Affairs would bear, or as the Emperours were inclined to grant it.

Beſides

[z] Cod. Theod. Lib. 11. Tit. 16. de Extraord. & Sordidis Muner. Leg. 15. Circa Eccleſias, Rhetores, atque Grammaticos eruditionis utriuſque, vetuſto more durante. - - - Ne Paraveredorum hujuſmodi viris aut Parangariarum præbitio mandetur, &c. [a] Cod. Th. Lib. 16. Tit. 2. de Epiſ. & Cler. Leg. 40. Nulla Tranſlationum Sollicitudo gignatur, &c. al. Signetur, *as it is in the Juſtin. Code.* Lib. 1. Tit. 2. de Sacroſanct. Eccl. Leg. 5. [b] Cod. Juſtin. Lib. 1. Tit. 2. Leg. 11. Neminem ab Angariis, vel Parangariis, vel Plauſtris, vel quolibet munere excuſari præcipimus, cum ad felicisſimam Expeditionem noſtri Numinis, omnium Provincialium per loca, quà iter arripimus, debeant ſolita nobis miniſteria exhiberi; licet ad Sacroſanctas Eccleſias Poſſeſſiones pertineant. It. Lib. 12. Tit. 51 de Curſu Publico Leg. 21. Nullus penitus cujuſlibet Ordinis ſeu Dignitatis, vel Sacroſancta Eccleſia, vel domus Regia tempore Expeditionis excuſationem Angariarum ſeu Parangariarum habeat.

Sect. 11.
Of the Tribute call'd Denariſmus, Unciæ, *and* Deſcriptio Lucrativorum: *And the Church's Exemption from it.*

Beſides theſe Publick Taxes and Duties, there was alſo one Private Tax, from which all Lands given to the Church, or to any Charitable Uſe, were exempt by the Laws of the Empire. This in the Civil Law is called *Denariſmus*, or *Unciæ*, and *Deſcriptio Lucrativorum*. The Reaſon of which Names will be underſtood by explaining the Nature of the Tribute. It was a ſort of Tax paid, not to the Emperors, but to the *Curia* or *Curiales* of every City, that is, to that Body of Men who were oblig'd by Virtue of their Eſtates to be Members of the Court or Common Council, and bear the Offices of their Country. Now it ſometimes happened, that one of theſe *Curiales* left his Eſtate to another that was not of the *Curia*; and an Eſtate ſo deſcending was ſaid to come to him *ex cauſa Lucrativa*, which being oppos'd to *Cauſa Oneroſa*, is when a Man enjoys an Eſtate by Gift or Legacy, and not by Purchaſe. But now leſt in this Caſe the Giving away an Eſtate from the *Curia* might have brought a greater Burden upon the remaining Part of the *Curiales*, the Perſon ſo enjoying it was obliged to pay an Annual Tribute to the *Curia* of the City, which from the Nature of his Tenure was call'd *Deſcriptio Lucrativorum*, The *Lucrative* Tax. And becauſe every Head of Land, every *Jugum* or *Caput*, as the Law terms it, was oblig'd to pay annually a *Denarius*, or Ounce of Silver, therefore the Tax it ſelf was call'd *Unciæ*, and *Denariſmus*: As in the Laws [c] of

[c] Cod. Th. Lib. 12. Tit. 1. de Decurationibus Leg. 107. Quicunque Hæres Curiali— vel ſi quem liberalitas locupletaverit forte viventis, quos à Curiæ nexu conditio ſolet dirimere, Sciant, Pecuniariis Deſcriptionibus— ad Denariſmum ſive Uncias, ſeſe Auctoris ſui nomine retinendum. It Leg. 123. Ibid.

Theodoſius M. cited in the Margin. *Theodoſius* Junior and *Valentinian* the Third made this Tax double, laying [*d*] Four *Siliquæ*, which is Two Ounces of Silver, upon every Head of Land. According to which Rate, every Poſſeſſor who held any Eſtate by the aforeſaid Tenure, wrs obliged to pay Tribute out of it to the *Curia* of the City, to which it belonged. But if any ſuch Eſtate was given to the Church, it was exempt from this Tribute, if not before, yet at leaſt in the Time of *Juſtinian*. For there are two Laws of his to this Purpoſe [*e*], the one in his Code, the other in his Novels, in both which ſuch Lands as any of the *Curiales* gave to a Church, or a Monaſtery, or Hoſpital of any kind, are particularly excepted from this *Lucrative* Tax; and that, *Pietatis intuitu*, as it is there worded, in Regard to Religion, and becauſe it was fit to put ſome Difference between things Humane and Divine. But whether the Church enjoyed this Immunity under any other Prince before *Juſtinian*, is what I leave the Curious to make the Subject of a farther Enquiry; whilſt I proceed to conſider another ſort of Immunity of the Clergy, which was their Exemption from Civil Offices in the *Roman* Empire. Of

[*d*] Cod. Th. Lib. 12. Tit. 4. de Imponenda Lucrativis Deſcriptione. Leg. unic. Hi qui ex Lucrativa Cauſa Poſſeſſiones detinent, quæ aliquando Curialium fuerint, pro ſingulis earum Jugis & Capitibus Quaternas Siliquas annuæ (leg. annuas) Ordinibus nomine Deſcriptionis exſolvant. [*e*] Cod. Juſtin. Lib. 1. Tit. 2. de Sacroſanct. Eccleſ. Leg. 22. Sancimus res ad venerabiles Eccleſias, vel Xenones, vel Monaſteria, vel Orphanotrophia, vel Gerontocomia, vel Ptochotrophia, &c. deſcendentes ex qualicumque Curiali Liberalitate ---- à Lucrativorum Inſcriptionibus liberas immuneſque eſſe ---- Cur enin non faciamus diſcrimen inter res Divinas & Humanas? Id. Novel. 131. c. 5. Si quæ vero res ex Curialium ſubſtantiis ad quamlibet Sacroſanctam Eccleſiam, aut aliam venerabilem domum ſecundum Leges venerunt, aut poſtea venerint, liberas eas eſſe ſancimus Deſcriptione Lucrativorum.

Sect. 12. *The Clergy exempt from all Civil Perſonal Offices.*

Of theſe Offices ſome were Perſonal, and others Predial, that is, ſuch as were tied to Mens Eſtates and Poſſeſſions: Some again were called, *Honores*, Honourable Offices; and others, *Munera ſordida*, Mean and ſordid Offices. Now from all theſe, as well Patrimonial as Perſonal, Honourable as well as Sordid, by the firſt Laws of *Conſtantine* the Clergy were univerſally and entirely exempt: But after Ages made a little Diſtinction as to ſuch of the Clergy, who enjoyed Patrimonial Secular Eſtates of their own, diſtinct from thoſe of the Church: For ſuch of the Clergy were ſometimes forced to leave their Eccleſiaſtical Employment, and bear the Civil Offices of the Empire; of which more by and by. But as to Offices which were purely Perſonal, the Clergy were entirely exempt from them; as appears from a Law of *Valentinian* and *Gratian* [*f*] ſtill extant in both the Codes, where every Order of the Clergy, not only Presbyters and Deacons, but Subdeacons, Exorciſts, Readers, Door-keepers and Acolythiſts, are ſpecified as exempt from Perſonal Offices. And that is the meaning of that Law of *Conſtantius*, mentioned both by *Athanaſius* [*g*], and *Socrates* [*h*], and *Sozomen* [*i*], where they ſay he granted the Clergy of *Ægypt* ἀλειτουργησίαν, and ἀτέλειαν λειτουργημάτων, Exemption from ſuch Offices, as had been forced upon them in the *Arian* Perſecution.

[*f*] Cod. Th. Lib. 16. Tit. 2. de Epiſc. & Cler. Leg. 24. Presbyteros, Diaconos, Subdiaconos, Exorciſtas, Lectores, Oſtiarios etiam, & omnes perinde qui primi ſunt, Perſonalium Munerum expertes eſſe præcipimus. *The Juſtinian Code Lib.* 1. *Tit.* 3. *Leg.* 6. *has the ſame, only inſtead of the Words,* Omnes qui Primi ſunt, *it reads* Acolythos. [*g*] Athan. Apol. 2. T. 1. p. 772. [*h*] Socrat. Lib. 2. c. 23. [*i*] Sozom. Lib. 3. c. 21.

Sect. 13. *And from Sordid Offices both Predial and Perſonal.*

Again, for thoſe called Sordid Offices, not only the Perſons of the Clergy, but the Eſtates of the Church were diſcharged of all Burthens of that Nature. *Conſtantius* made two Laws [*k*] to this purpoſe, which *Valentinian* and *Theodoſius* confirmed, granting the Clergy, and ſome other Orders of Men, the ſame Immunity in this reſpect, as they did to the chief Officers and Dignitaries of the Empire: And they intimate [*l*] alſo, that this was no new Privilege, but what by ancient Cuſtom they had always enjoyed. The ſame is ſaid by *Honorius*, that this was an ancient Privilege of the Church, conferred upon her by his Royal Anceſtors, and that it ought not to be diminiſhed: Therefore he made two Laws particularly in Behalf [*m*] of the Biſhop of *Rome*, that no extraordinary Office or Sordid Function ſhould be impoſed upon him. Nor do we ever find the Clergy called to bear any ſuch Office in the Empire. For though *Gothofred* in his Notes upon the forementioned Law [*n*] of *Theodoſius*, where ſeveral of theſe Offices are ſpecified, reckons the *Angariæ*, and Building and Repairing of Ways and Bridges among Sordid Offices; yet I have ſhewed before, that what was exacted of the Clergy in

[*k*] Cod. Th. Lib. 16. Tit. 2. de Epiſc. Leg. 10. & 14. Repellatur ab his exactio munerum Sordidorum. [*l*] Ibid. Lib. 11. Tit. 16. de Extraord. & ſordid. Muner. Leg. 15. Maximarum Culmina Dignitatum --- ab omnibus ſordidis muneribus vindicentur --- Circa Eccleſias, Rhetores, atque Grammaticos eruditionis utriuſque vetuſto more durante, &c. [*m*] Ibid. Leg. 21 & 22. Privilegia venerabilis Eccleſiæ, quæ Divi Principes contulerunt imminui non oportet: Proinde etiam quæ circa Urbis Romæ Epiſcopum, obſervatio intemerata cuſtodiet: Ita ut nihil Extraordinarij muneris vel Sordidæ Functionis agnoſcat. [*n*] Gothofred. in Cod. Th. Lib. 11. Tit. 16. Leg. 15.

in reference to those two things, was under the Notion of a Tribute, and not an Office: And the Laws which require the Clergy to contribute toward them, say expresly [o] that they are not to be looked upon as Sordid Offices, nor any Duty to be exacted under that Notion.

Sect. 14. *Also from Curial or Municipal Offices.*

As to the other sort of Offices called, *Honores*, Honourable or Municipal Offices, which are otherwise termed Curial Offices, because they who bare them were called *Curiales & Decuriones*, Men of the Court or Curia of every City: All the Clergy, who had no Lands of their own, but lived upon the Revenues and Possessions of the Church, were entirely exempt from them; because the Duties of the Church and State were not thought well consistent in one and the same Person; and it was deemed unreasonable to burden the Lands of the Church with the Civil Duties of the Empire. When *Constantine* was first quietly settled in his Government, immediately after the great Decennial, commonly called the *Diocletian* Persecution, he seems to have granted a full and unlimited Immunity in this respect to all the Clergy, as well those who had Lands or Patrimony of their own, as those who lived wholly upon the Revenues of the Church. For thus he expresses himself in a Law directed to *Anulinus* Proconsul of *Africk*, recorded by *Eusebius*, which bears date *an.* 312. or 313. Our Pleasure is, That all those in your Province, who minister in the Catholick Church, over

[o] Cod. Th. Lib. 15. Tit. 3. de Itin. muniendo. Leg. 6. Honor. & Theodos. Jun. Absit ut nos instructionem viæ publicæ, & Pontium, stratarumque operam. --- inter sordida munera numeremus, &c. Vid. Cod. Justin. Lib. 1. Tit. 2. de SS. Eccles. Leg. 7. Ejusdem Honorij & Theodos.

which *Cæcilian* preſides, who are commonly called the Clergy, be exempted [*p*] from all Publick Offices whatſoever, that they may not be let or hindered in the Performance of Divine Service by any Sacrilegious Diſtraction. *Anulinus* has alſo an Epiſtle ſtill extant in St. *Auſtin* [*q*], written to *Conſtantine* not long after, wherein he mentions this Grant as ſent to him, to be intimated to *Cæcilian* and the Catholick Clergy, *viz.* That by the kind Indulgence of his Majeſty they were exempt from all manner of Offices, that they might with due Reverence attend Divine Service. And this Epiſtle of *Anulinus* is alſo related, but not ſo correctly, in the Collation [*r*] of *Carthage*. In this Grant it is very obſervable, that this Privilege was only allowed to the Catholick Clergy: Which made the Donatiſts very uneaſy, becauſe they could not enjoy the ſame Favour: And upon this they became tumultuous and troubleſome to the Catholicks, procuring the Clergy in ſome Places to be nominated to publick Offices, and to be made Receivers of the publick Revenues, *&c.* But Complaint hereof being made to *Conſtantine*, it occaſioned the Publiſhing of a new Order in *Africk*, purſuant to the former, That whereas he was given to underſtand, that the Clergy

[*p*] Conſt. Ep. ad Anulin. ap. Euſeb. Lib. 10. c. 7. ὥσπερ κληρικὰς ἐπονομάζειν εἰώθασιν, ἀπὸ παίδων ἁπαξαπλῶς τῆς λειτουργιῶν βάλομαι ἀλειτουργήτους διαφυλαχθῆναι. &c. [*q*] Anulin. Ep. ad Conſtant. ap. Aug. Ep. 68. Scripta cœleſtia Majeſtatis veſtræ accepta atque adorata, Cæciliano & his qui ſub eodem agunt, quique Clerici appellantur, devotio Parvitatis meæ inſinuare curavit, eoſdemque hortata eſt, ut Unitate conſenſu omnium facta, cum *omni omnino Munere* indulgentia Majeſtatis veſtræ liberati eſſe videantur Catholici, cuſtodita ſanctitate Legis, debita reverentia Divinis rebus inſerviant. [*r*] Collat. Carth. Die 3. c. 216. & 220.

Clergy of the Catholick Church [s] were moleſted by the Heretical Faction, and by their Procurement nominated to publick Offices, and made Suſceptors or Receivers of Tribute, in Derogation of the Privileges which he had formerly granted them: He now ſignified his Pleaſure again, That if the Magiſtrates found any Perſon ſo aggrieved, they ſhould ſubſtitute another in his room, and take care for the future that no ſuch Injuries ſhould be offered to the Men of that Profeſſion. This Law was Publiſhed *an.* 313. and it is the firſt of this kind that is extant in the *Theodoſian Code.* About ſix Years after *an.* 319. he put forth another, upon a like Complaint made in *Italy*, that the Clergy were called away from their proper Function to ſerve in publick Offices: And in this he grants them the ſame [t] general Immunity as before. So again *an.* 330. a Complaint being made againſt the *Donatiſts* in *Numidia*, that when they could not have their Will upon the Superior Clergy by reaſon of the former Immunity that was granted them, they notwithſtanding forced the Inferior Clergy to bear Offices in *Curia*, upon Pretence that the Exemption did not extend to them: *Conſtantine*, to cut off all

[s] Cod. Th. Lib. 16. Tit. 2. de Epiſc. Leg. 1. Hæreticorum Factione comperimus Eccleſiæ Catholicæ Clericos ita vexari, ut nominationibus ſeu ſuſceptionibus aliquibus, quas publicus mos expoſcit, contra indulta ſibi Privilegia, prægraventur. Ideoque placet, ſi quem tua Gravitas invenerit ita vexatum, eidem alium ſubrogari, & deinceps à ſupradictæ Religionis hominibus hujuſmodi injurias prohiberi. [t] Cod. Th. ibid. Leg. 2. Qui divino cultui miniſteria Religionis impendunt, id eſt, hi qui Clerici appellantur, ab omnibus omnino Muneribus excuſentur: Ne ſacrilego livore quorundam a divinis obſequiis avocentur.

Diſpute, Publiſhed another Law, wherein [*u*] he particularly exempts the Inferior Clergy, Readers, Subdeacons, and the reſt from bearing Offices in *Curia*; and orders, that they ſhould enjoy in *Africk* the ſame perfect Immunity as they did in the Oriental Churches.

Sect. 15.

But this laſt Privilege confined to ſuch of the Clergy, as had no Eſtates but what be long'd to the Church, by the Laws of Conſtantine.

Now this Immunity was ſo great a Privilege, that it not only became the Envy of Hereticks, but alſo provoked ſome Catholick Laymen, (who were poſſeſs'd of Eſtates qualifying them to bear the Offices of their Country) to get a ſort of Titular Ordination to ſome of the Inferior Offices of the Church, on purpoſe to enjoy this Immunity; when yet they neither deſigned to do the Duty of that Office, nor to ariſe to any higher Order in the Church. Which being interpreted a mere fraudulent Colluſion to deprive the State of fit Men to ſerve the Commonwealth, and no ways benefit the Church, it was preſently reſented by *Conſtantine* as an Abuſe; and various Laws were made both by him and his Succeſſors, as occaſion required, to reſtrain and correct it. *Conſtantine* at firſt, as I obſerved before, granted this Immunity indifferently to all the Clergy, as well Poſſeſſors, as not Poſſeſſors of private Eſtates, whom he found actually engaged in the Service of the Church, when he came to the quiet Poſſeſſion of the Empire: Nor did he for ſome Years after perhaps reſtrain any ſorts of Men from

[*u*] Cod. Th. Lib. 16. Tit. 2. Leg. 7. Lectores Divinorum Apicum, & Hypodiaconi, cæterique Clerici, qui per injuriam Hæreticorum ad Curiam devocati ſunt, abſolvantur; & de cætero ad ſimilitudinem Orientis minime ad Curias devocentur, ſed immunitate pleniſſima potiantur.

from taking Orders in the Church: But when he found this Indulgence to the Church, by the Artifice of cunning Men, only turned to the Detriment of the State; and that Rich men ſheltered themſelves under an Eccleſiaſtical Title, only to avoid the Offices of their Country; he then made a Law, that no rich *Plebeian*, who was qualified by his Eſtate to ſerve in *Curia*, and bear Civil Offices in any City, ſhould become an Eccleſiaſtick; or if he did, he ſhould be liable from the time that Law was made, to be fetch'd back and returned in *Curiam*, to bear the Offices of his Country as a Layman. What Year that Law was made, is not very certain, ſave only that it was before *An.* 320. when a ſecond Law was made upon the ſame Subject, referring to the firſt. And from this we learn what was the Import of both; That it was *Conſtantine*'s Deſign to put a Diſtinction betwixt ſuch of the Clergy as were ordained before that firſt Law, and ſuch as were ordained afterward; the former he exempted from Civil Offices, though they were poſſeſt of Eſtates, but not the latter: Which plainly appears from the Words of the ſecond Law, which are theſe [*w*]: Whereas by a former Law we ordained, that from thenceforward no Counſellour or Counſellour's Son, or any one who

[*w*] Cod. Th. Lib. 16. Tit. 2. de Epiſc. Leg. 3. Cum conſtitutio emiſſa præcipiat, nullum deinceps Decurionem, vel ex Decurione progentium, vel etiam inſtructum idoneis facultatibus, atque obeundis publicis Muneribus opportunum, ad clericorum nomen obſequiumque confugere; ſed eos - - qui fortuna tenues, neque Muneribus Civilibus teneantur obſtricti: Cognovimus illos etiam inquietari, qui ante Legis promulgationem Clericorum ſe conſortio ſociaverint: Ideoque præcipimus, his ab omni moleſtia liberatis, illos qui poſt legem latam obſequia publica declinantes, ad Clericorum numerum confugerunt, Curiæ Ordinibuſque reſtitui, & Civilibus obſequiis inſervire.

who by his Eſtate was ſufficiently qualified to bear Publick Offices, ſhould take upon him the Name or Function of the Clergy; but only ſuch whoſe Fortune is ſmall, and they not tied to any Civil Offices: We are now given to underſtand, that ſuch of the Clergy who were ordained before the Promulgation of that Law, are moleſted upon that Account: Wherefore our Command is, that thoſe be diſcharged of all farther Trouble; and that ſuch only as entered themſelves among the Clergy ſince the Law was made, with intention to decline Publick Offices, ſhall be returned to the *Curia* and States of their City, to ſerve in the Civil Offices of their Country. There is another Law of *Conſtantine*'s publiſhed after this [x] *An.* 326. a Year after the Council of *Nice*, which ſpeaks to the ſame Effect, and ſhews that this was the ſtanding Rule of the latter part of *Conſtantine*'s Reign, to exempt none among the Clergy, who were qualified by Eſtates of their own, from bearing Perſonally the Publick Offices of the Empire.

Sect. 16. Conſtantine's *Laws a little altered by the ſucceeding Emperours in Favour of the Church.*

But however this might be well deſigned at firſt by him to prevent ſome Abuſes, yet in proceſs of Time it became very Prejudicial to the Church. For by this means ſometimes Presbyters and Deacons, after they had been Twenty or Thirty Years in the Churches Service, were called upon by Litigious Men to bear Civil Offices inconſiſtent with the Spiritual, and thereupon they were

[x] Ibid. Leg. 6. Si inter Civitatem & Clericos ſuper alicujus nomine dubitetur, ſi eum æquitas ad publica trahat Munera, & progenie Municeps, vel Patrimonio idoneus dignoſcetur, exemptus Clericis Civitati tradatur: Opulentos enim Sæculi ſubire neceſſitates oportet, Pauperes Eccleſiarum divitiis ſuſtentari.

were forced to forſake their Eccleſiaſtical Function. This was ſo great an Inconvenience, that it well became the Wiſdom of the following Emperours to find out ſome ſuitable Remedy for it: Which they did by new Modifying *Conſtantine*'s Law, and abating ſomething of the Rigour of it. For they did not lay the Burden of Civil Offices upon the Perſons of the Clergy, but only upon their Patrimonial Eſtates, not belonging to the Church, and in ſome Caſes they excuſed thoſe alſo. *Conſtantius* acquitted all Biſhops of this Burden both as to their Eſtates and Perſons; for by his [y] Laws they might keep their Eſtates to themſelves, and neither be obliged to bear Civil Offices in Perſon, nor Subſtitute any other in their Room. And he allowed the ſame Privilege to Presbyters and Deacons and all others, provided they were ordained by the Conſent of the Civil Court or *Curia*, and the general Requeſt of the People. But if they were not ſo ordained, all that they were obliged to do was only to part with two Thirds of their Eſtate to their Children or next Relations, and Subſtitute them in their Room: Or in defect of ſuch Relations, to give up two Parts of their Eſtate to the *Curia*, and retain the third to themſelves. *Valentinian* in the firſt Year of his Reign *An.* 364. made the Law a little Stricter, that ſuch Perſons [z] when they were ordained, ſhould give all their Eſtate to one of their Relations, and Subſtitute him as

[y] Cod. Th. Lib. 12. Tit. 1. de Decurion. Leg. 49. Epiſcopum facultates ſuas Curiæ, ſicut ante fuerat conſtitutum nullus adigat mancipare, ſed Antiſtes maneat, nec faciat Subſtantiæ ceſſionem, &c. [z] Cod. Th. Lib. 12. Tit. 1. de Decurion. Leg. 59. Qui partes eligit Eccleſiæ, aut in Propinquum bona propria conferendo eum pro ſe faciet Curialem, aut facultatibus Curiæ cedat, quam reliquit; ex neceſſitate revocando eo qui neutrum fecit, cum Clericus eſſe cœpiſſet, &c.

as a *Curialis* in their Room, or elſe give it up to the *Curia* itſelf: Otherwiſe they ſhould be liable to be called back to ſerve in Civil Offices as Lay-men. But he extended this Obligation no farther than to the beginning of his own Reign; for by another Law made ſeven Years after *An.* 371. he exempted all ſuch as were in the Service of the Church [*a*] when he came to the Crown, though they had Eſtates of their own qualifying them to bear Civil Offices. *Valens* exempted all ſuch as had been Ten Years [*b*] in the Churches Service; ſo that if they were not called upon by the Civil Courts within that Term, they were for ever after to be excuſed. *Valentinian* the ſecond exempted them [*c*], provided they put a Subſtitute in their Room. *Theodoſius* exempted all that were ordained [*d*] before the Year 388. which was the tenth Year of his Reign: And of thoſe that were ordained afterward he only required [*e*] the aforeſaid Conditions, that they ſhould either provide a proper Subſtitute, or give up their Eſtates to the Court at their Ordination. Which is alſo taken Notice of by St. *Ambroſe* in his Anſwer to *Symmachus*, where he ſhews [*f*] how unreaſonable it was for him to plead for the Exemption of the Heathen Prieſts in this reſpect, when the Laws did not grant it to the Chriſtian Clergy but upon ſuch Conditions. *Arcadius* indeed by the Inſtigation of *Eutropius An.* 398. cancelled

[*a*] Cod. Th. Lib. 16. Tit. 2. de Epiſc. Leg. 21. Qui Eccleſiæ juge obſequium deputarunt, Curiis habeantur immunes, ſi tamen ante ortum Imperij noſtri ad cultum ſe Legis noſtræ contuliſſe conſtiterit. [*b*] Cod. Th. Lib. 16. Tit. 2. Leg. 19. Si in conſortio Clericatus Decennium quietis impleverit, cum Patrimonio ſuo habeatur immunis: Si vero intra finitos annos fuerit à Curia revocatus, cum Subſtantia ſua Functionibus ſubjaceat Civitatis. [*c*] Cod. Th. Lib. 12. Tit. 1. de Decurion. Leg. 99. [*d*] Ibid. Leg. 121. & 123. [*e*] Ibid. Leg. 104. & 115. [*f*] Ambroſ. cont. Symmach.

celled all theſe favourable Laws, and brought the Clery again to the hard Rule of *Conſtantine*, that if any [g] of the *Curiales* were ordained in the Church, they ſhould by force be returned to the Civil Courts again in Perſon, and not enjoy the Benefit of thoſe Laws, which allowed them to take Orders, provided they diſpoſed of their Eſtates to proper Subſtitutes, who might bear Offices in their Stead. But this Law was but very ſhort-lived; for *Chryſoſtom* and ſome others very juſtly declaiming againſt it, *Arcadius* diſannulled it the Year following by a new Law, wherein [h] he granted ſuch of the Clergy as were taken and ordained out of the Body of the *Curiales*, the ſame Privilege that they had under his Father *Theodoſius*, which was, That all that were ordained before the ſecond Conſulſhip of *Theodoſius An.* 388. ſhould enjoy a perfect Immunity without any Moleſtation: And ſuch as were ordained after that Term, if they were of the Superior Clergy, Biſhops, Presbyters or Deacons, they might continue in the Churches Service, either providing a Subſtitute to bear the Offices of the *Curia* for them, or giving up their Eſtates to the *Curia*, as former Laws in that Caſe had directed. Only it was required that the Inferior Clergy, Readers, Subdeacons, *&c.* ſhould be returned to the

[g] Cod. Th. Lib. 9. Tit. 45. de his qui ad Eccleſ. confug. Leg. 3. Decuriones manu mox injecta revocentur: Quibus ulterius Legem prodeſſe non patimur, quæ ceſſione Patrimonij ſubſecuta, Decuriones eſſe Clericos non vetabat. [h] Cod. Th. Lib. 12. Tit. 1. de Decurion. Leg. 163. Si qui ex ſecundo Divi Patris noſtri Conſulatu Curiam relinquentes, Clericorum ſe conſortio manciparunt, ſi jam Epiſcopi, vel Presbyteri, vel Diaconi eſſe meruerunt, in Sacris quidem & Secretioribus Dei Myſteriis perſeverent. ſed aut Subſtitutum pro ſe Curiæ offerre cogantur, aut juxta Legem dudum latam tradant Curiæ facultates. Reſidui omnes Lectores, Subdiaconi vel hi Clerici quibus Clericorum Privilegia non debentur, debitis mox Patriæ Muneribus præſententur.

the *Curia* again, and obliged to bear Offices in Perſon. And the ſame was determined by *Theodoſius* [*i*] Junior, and *Valentinian* the Third [*k*], and *Majorian* [*l*] whoſe Laws are extant at the end of the *Theodoſian* Code. *Juſtinian* alſo has a Novel to the ſame purpoſe, wherein [*m*] he orders ſuch of the Inferior Clergy, as were taken out of any *Curia*, to be returned thither again, unleſs they had lived fifteen Years a Monaſtick Life; and then they were to give three parts of their Patrimony to the *Curia*, and retain one to themſelves: But he allowed Biſhops to put in a Subſtitute, and be free from bearing Civil Offices in Perſon, as *Julianus Anteceſſor* [*n*] in his *Epitome* of the *Authenticks* underſtands him. Though I confeſs there is ſomething to incline a Man to think *Juſtinian* at firſt was a little more Severe to ſuch Biſhops, becauſe he revived that Antiquated Law of *Arcadius* [*o*] in his Code. But however this be, upon the whole matter it appears, that the Chriſtian Princes from firſt to laſt always made a wide Difference between the Publick Patrimony of the Church, which was properly Eccleſiaſtical, and the Private Eſtates of ſuch of the Clergy as had Lands of a Civil or ſecular Tenure: For the one the Clergy were obliged to no Duty or Burden of Civil Offices; but for the other they were, and could not be excuſed from them, but either by parting with ſome Portion of their Eſtates, or providing proper Subſtitutes to Officiate for

[*i*] Theod. Novel. 26. & 38. [*k*] Valentin. Novel. 12. [*l*] Majorian. Novel. 1. [*m*] Juſtin. Novel. 123. c. 15. Ex Epitom. Julian. Anteceſs. [*n*] Vid. Julian. Epit. Novel. 123. c. 4. poſt Leg. 38. Cod. de Epiſc. Epiſcopalis Ordo liberat à fortuna ſervili, ſed non à Curiali ſive Officiali; nam & poſt ordinationem durat; ita ut per ſubjectam vel interpoſitam Perſonam Officium adimpleatur, &c. [*o*] Cod. Juſt. Lib. 1. Tit. 3. de Epiſc. Leg. 12.

for them. The Reaſon of which was, that ſuch of the Clergy were looked upon as irregularly promoted: It being as much againſt the Rules of the Church, as the Laws of the State, to admit any of the *Curiales* to an Eccleſiaſtical Function, without firſt giving Satisfaction to the *Curia* whence they were taken, as has been ſhewed in another place. I have been the more curious in ſearching to the bottom this Buſineſs about Tribute and Civil Offices, and given a particular and diſtinct Account of them from the grounds of the Civil Law, becauſe but few Men have recourſe to thoſe Fountains, whence this matter is to be cleared; and the Reader will ſcarce find this Subject handled, but either very imperfectly, or with ſome Partiality, or ſome Confuſion in Modern Authors.

CHAP. IV.

Of the Revenues of the ancient Clergy.

Sect. 1. *Several ways of providing a Fund for the Maintenance of the Clergy.* 1ſt, *by Oblations. Some of which were Weekly.*

THE next thing that comes in order to be conſidered is the Maintenance of the ancient Clergy. Where it will be proper firſt to Enquire into the ways and Methods that were taken for raiſing of Funds for their Subſiſtence. And here to ſet aſide a little the Conſideration of Tithes, which will be ſpoken of in the next Chapter, we find other ways, by which in ancient Times a decent Proviſion was made for them. As 1*ſt*, by the Voluntary Oblations of the People, of which ſome Learned Perſons think there were two Sorts; 1*ſt*, The Weekly or Daily Oblations that were made at the Altar; 2*dly*, The Monthly Oblations that were caſt into the Treaſury of the Church.

The

The first sort of Oblations were such as every rich and able Communicant made at his coming to partake of the *Eucharist*; where they offered not only Bread and Wine, out of which the *Eucharist* was taken, but also other Necessaries, and sometimes Sums of Money for the Maintenance of the Church and Relief of the Poor. As is evident from those words of St. *Jerom* in his Comments upon *Ezekiel* [*a*], where he tells us, That Thieves and Oppressors made their Oblations among others, out of their ill-gotten Goods, that they might glory in their Wickedness, while the Deacon in the Church publickly recited the Names of those that offered: Such an one offers so much, such an one hath promised so much: And so they please themselves with the Applause of the People, while their own Conscience lashes and torments them. Those called the Apostolical Canons [*b*] speak also of the Oblation of Fruits and Fowls and Beasts, but order such to be sent home to the Bishop and Presbyters, who were to divide them with the Deacons and the rest of the Clergy.

Sect. 2. *And others Monthly.*

Another sort of Oblations were made Monthly, when it was usual for Persons that were able and willing, to give as they thought fit something to the Ark or Treasury of the Church. Which sort of Collation is particularly taken

[*a*] Hieron. Com. in Ezek. 18. p. 537. Multos conspicimus, qui opprimunt per Potentiam, vel furta committunt, ut de multis parva pauperibus tribuant, & in suis sceleribus glorientur, publiceque Diaconus in Ecclesia recitet Offerentium Nomina: Tantum offert ille, tantum ille pollicitus est; placentque sibi ad Plausum populi, torquente Conscientia. [*b*] Canon Apost. c. 3, 4, 5.

taken notice of by *Tertullian* [*c*], who ſays, it was made *Menſtrua die*, once a Month, or when every one pleaſed, and as they pleaſed; for no Man was compelled to it: It was not any ſtated Sum, but a voluntary Oblation. *Baronius* [*d*] thinks this Ark or Treaſury was called the *Corban* of the Church, becauſe *Cyprian* [*e*] uſes that Word when he ſpeaks of the Offerings of the People; rebuking a rich and wealthy Matron for coming to celebrate the *Euchariſt* without any regard to the *Corban*, and partaking of the Lord's Supper without any Sacrifice of her own. Others [*f*] conceive, that *Corban* is not a Name for the Treaſury, but ſignifies the Gift or Oblation it ſelf; and that *Cyprian* ſo uſes it, making it the ſame with the Sacrifices or Offerings of the People. But the Evangeliſt *Mat.* 27. 6. ſeems rather to favour the Opinion of *Baronius*: For when he ſays, the Chief Prieſts did not think it lawful to put *Judas* his Money εἰς τὸν κορβανᾶν, it is evident, he there by *Corban* means the Treaſury, as moſt Tranſlators render it.

Sect. 3. *Whence came the Cuſtom of a Monthly Diviſion among the Clergy.*

But however this be, it is very probable, that hence came the Cuſtom of Dividing theſe Oblations once a Month among the Clergy. For as *Tertullian* ſpeaks of a Monthly Collation, ſo *Cyprian* frequently mentions [*g*] a Monthly Diviſion, in

S

[*c*] Tertul. Apol. c. 39. Si quod Arcæ genus eſt, non de Ordinaria Summa, quaſi redemptæ Religionis congregatur: Modicam unuſquiſq; ſtipem Menſtrua die, vel quum velit, & ſi modo velit, & ſi modo poſſit, apponit: Nam nemo compellitur, ſed ſponte confert. [*d*] Baron. an. 44. n. 69. [*e*] Cypr. de Oper & Eleemoſ. p. 203. Locuples & dives es, & Dominicum celebrare te credis, quæ Corbonam omnino non reſpicis; quæ in Dominicum ſine ſacrificio venis; quæ partem de ſacrificio, quod pauper obtulit ſumis? [*f*] Baſnag. Exercit. in Baron. p 597. [*g*] Cypr. Ep. 34. al. 39. Ut & ſportulis iiſdem cum Presbyteris honorentur, & Diviſiones Menſurnas æquatis quantitatibus partiantur.

in which the Presbyters had their Shares by equal Portions, and other Orders after the same Manner. Whence the Clergy are also stiled in his Language [*h*] *Sportulantes Fratres*, Partakers of the Distribution; and what we now call, *Suspensio a Beneficio*, is in his Stile [*i*] *Suspensio a Divisione Mensurna*, Suspension from the Monthly Division. Which plainly implies, that this sort of Church-Revenues was usually divided once a Month among the Clergy. And perhaps in Conformity to this Custom it was, that the *Theodotian* Hereticks having perswaded one *Natalius* a Confessor to be ordained a Bishop among them, promised him a Monthly Salary of one hundred and fifty *Denarij*, μηνιαῖα δηνάρια ἑκατὸν πεντήκοντα, as *Eusebius* [*k*] words it, referring to the usual way of Distribution once a Month among the Clergy.

Sect 4. 2dly, *Other Revenues arising from the Lands aud Possessions of the Church.*

Another sort of Revenues which the Clergy enjoyed, were such as arose annually from the Lands and Possessions which were given to the Church. These indeed at first were but small, by reason of the continual Vexations and Persecutions which the Church underwent for the three first Ages, when immoveable Goods were always most exposed to Danger. It was the Custom of the Church of *Rome* therefore never to keep any Immoveable Possessions, no not for many Ages, if we may credit [*l*] *Theodorus Lector*, who speaks of it as Customary in his own Time, *An.* 520. But if any such were given

[*h*] Id. Ep. 66. al. 1. Sportulantes Fratres, tanquam Decimas ex fructibus accipientes. [*i*] Id. Ep. 28. al. 34. Interim se à Divisione Mensurna tantum contineant, &c. [*k*] Eusеb. Lib. 5. c. 28. [*l*] Theodor. Lect. Collectan. Lib. . p. 567. ἔθος τῇ ἐκκλησίᾳ τῆ Ῥώμης ἀκίνητα μὴ κεκτῆσθαι κτήματα, &c.

given to the Church, they immediately ſold them, and divided the Price into three Parts, giving one to the Church, another to the Biſhop, and the third to the reſt of the Clergy. And *Valeſius* finds no Exception to this till near the Time of *Gregory* the Great. But if this was the Cuſtom of the Church of *Rome*, it was a very ſingular one. For other Churches had their Immoveables, both Houſes and Lands, even in the times of Perſecution: As appears from the Edicts of *Maximinus*, wherein he revoked his former Decrees that had raiſed the Perſecution, and in theſe latter Edicts granted the Chriſtians Liberty not only to rebuild their Churches, but alſo ordered, that if any Houſes or Lands belonging to them had been confiſcated, or ſold, or given away [*m*], they ſhould be reſtored to them again. That this was meant of Houſes and Lands belonging to the Church, as well as private Chriſtians, is evident from the Decree of *Conſtantine* and *Licinius* publiſhed the ſame Year *an.* 313. Wherein they give Orders, that whereas the Chriſtians were known to have not only Places of Aſſembly, but alſo other Places belonging not to any private Man, but to the whole Body, all ſuch Places [*n*] ſhould be reſtored to the Body and to every particular Aſſembly among them. Which is repeated again in *Conſtantine*'s Letter to *Anulinus* [*o*], and other publick Acts of his recorded by *Euſebius* [*p*] in his Life, where he makes mention of Houſes, Gardens, Lands, and other Poſſeſſions belonging to the Church, of which ſhe had been plundered and deſpoiled in the late Perſecutions. Theſe are undeniable Evidences, that ſome Part of the Eccle-

[*m*] Euſeb. Lib. 9. c. 10. [*n*] Ap. Euſeb. Lib. 10. c. 5 [*o*] Conſtant. Ep. ad Anulin. ap. Euſeb. ibid. [*p*] Euſeb. Vit. Conſt. Lib. 2. c. 37. & 39.

ſiaſtical Revenues were anciently raiſed from Houſes and Lands ſettled upon the Church, even before any Chriſtian Emperours could give Encouragement to them.

Sect. 5. *Theſe very much augmented by the Laws of* Conſtantine.

But when *Conſtantine* was quietly ſettled upon the Throne, the Church-Revenues received great Augmentations in this kind. For he enacted a Law at *Rome*, which is ſtill extant in both the Codes [q], that any one whatſoever ſhould have Liberty at his Death to bequeath by Will what Part of his Goods he pleaſed to the Holy Catholick Church. By which Means the Liberality of pious Perſons was very much encouraged, and great Additions were made to the ſtanding Revenues of the Church. Therefore *Baronius* is very injurious [r] to the Memory of *Conſtantine*, and juſtly corrected by *Gothofred* [s] and Mr. *Pagi* [t] for it, in that he inſinuates as if *Conſtantine* had relapſed toward Heatheniſm at this very time *An.* 321. when he publiſhed this Law ſo much in Favour of the Church.

Sect. 6. *Whoſe Laws were confirmed, and not revoked by the ſucceeding Emperours, as ſome miſtake.*

Others are no leſs injurious to ſome of his Succeſſors, when they repreſent them as injurious to the Church, in forbidding Widows and Orphans to leave any Legacies to the Church. *Baronius* cannot help complaining alſo upon this Point, though he contradicts himſelf about it. For in

[q] Cod. Th. Lib. 16. Tit. 2. de Epiſc. Leg. 4. It. Cod. Juſtin. Lib. 1. Tit. 2. de ſacroſanct. Eccleſ. Leg. 1. Habeat unuſquiſque Licentiam ſanctiſſimo Catholico venerabilique Concilio, decedens Bonorum quod optaverit relinquere. [r] Baron. an 321. n. 18. [s] Gothofred. Com. in Cod. Th. Lib. 16. Tit. 10. de Paganis Leg. 1. [t] Pagi Critic. in Baron. an. 321. n. 4 & 5.

in one Place [*u*] he ſays, the foreſaid Law of *Conſtantine* did ſo augment the Churches Wealth, that the following Emperours began to dread the Conſequences of it, that it would turn to the Detriment and Poverty of the Commonwealth; and therefore they made Laws to reſtrain the Faithful from being ſo profuſe in their Donations to the Church. Yet when he comes to ſpeak particula ly of thoſe Laws, he owns, they were not deſigned [*w*] againſt the Church, but only to correct the ſcandalous Practices of ſome ſordid Monks and Eccleſiaſticks, who being of an Avaricious and Paraſitical Temper, made a Gain of Godlineſs, and under pretence of Religion ſo ſcrued themſelves into the Favour and Affections of ome rich Widows and Orphans, that they prevailed pon them to leave them great Legacies, and ſometimes their whole Eſtates, to the Prejudice of the right Heirs and next Relations. Which was ſo diſhoneſt nd unbecoming a Practice in ſuch Perſons, that *Valentinian* made a Law to prevent it; decreeing, hat [*x*] no Eccleſiaſticks, or any that profeſſed the Monaſtick Life ſhould frequent the Houſes of Wiows or Orphans; nor be qualified to receive any ift or Legacy from the Donation or laſt Will of ny ſuch Perſons. Which Law, as *Gothofred* [*y*] ightly obſerves, did not prohibit them from leaing any thing to the Church; though ſome learn-

[*u*] Baron. an. 321. n. 17. [*w*] Baron. an. 370. Tom. 4. p. 70. Qua quidem Sanctione nequaquam prohibentur Eccleſiæ ereditates accipere vel Legata, ſed Eccleſiaſticæ Perſonæ, ſive lerici, ſive Monachi.--- Ut plane intelligas hoſce Nebulones, nquam Harpyias quaſdam inhiantes Matronarum divitiis, &c.] Cod. Th. Lib. 16. Tit. 2. de Epiſc. Leg. 20. Eccleſiaſtici, vel i Continentium ſe volunt nomine nuncupari, Viduarum aut pillarum domos non adeant.--- Cenſemus etiam, ut memoi nihil de ejus mulieris Liberalitate quacunque vel extremo dicio poſſint adipiſci. [*y*] Gothofred. in Loc.

ed Men ſo miſunderſtand it; but only tended to correct this unworthy Practice of ſome particular Perſons, which is equally complained of by the ancient Writers of the Church. St. *Ambroſe* and St. *Jerom*, and others mention this Law, but they do not at all inveigh againſt it, but againſt thoſe Vices that occaſioned it. I do not complain of the Law, ſays St. *Jerom* [z], but am grieved that we ſhould deſerve ſuch a Law; that when Idol-Prieſts and Stage-Players, and Carters, and Harlots may inherit, only Clerks and Monks are prohibited; and that not by perſecuting Emperours, but Chriſtian Princes. He adds, That it was a very prudent Caution in the Law, but yet it did not reſtrain the Avarice of ſuch Perſons; who found out an Artifice to elude the Law, *per Fidei-commiſſa*, by getting others to receive in Truſt for them. Which ſhews us the Senſe St. *Jerom* had of this Matter, that he did not think the Emperours were injurious to the Church in making ſuch a Law, but thoſe Perſons Were only to be blamed, whoſe Avarice and Sordid Flatteries compelled them to make it. And any one that will conſult St. *Ambroſe* [a], or the Author under his Name [b], will find that they give the ſame Account of it. *Theodoſius* indeed ſome Years after made a Law, relating particularly to ſuch Deaconeſſes of the Church as were of Noble Families, that they ſhould not [c] diſpoſe of their Jewels,

[z] Hieron. Ep. 2. ad Nepotian. Sacerdotes, dicere pudet, Idolorum, Mimi, & Aurigæ, & Scorta hæreditates capiunt; ſolis Clericis & Monachis prohibetur: Et prohibetur non à Perſecutoribus, ſed à Principibus Chriſtianis. Nec de Lege conqueror, ſed doleo cur meruimus hanc Legem, &c. [a] Ambroſ. Ep. 31. ad Valentin. p. 145. [b] Idem Homil. 7. [c] Cod. Th. Lib. 16. Tit. 2. de Epiſc. Leg. 27. Nihil de Monilibus & ſupellectili, nihil de Auro, Argento, cæteriſque Claræ Domus Inſignibus, ſub Religionis defenſione conſumat.---Ac ſi quando diem obierit, nullam Eccleſiam, nullum Clericum, nullum Pauperem ſcribat hæredes, &c.

Jewels, or Plate, or Furniture, or any other ſuch things as were the ancient Marks of Honour in their Families, under pretence of Religion while they lived; nor make any Church, or Clerk, or Poor their Heirs when they died. But as this Law was made upon ſome particular Reaſons of State; ſo it did no harm to the Church: For within two Months the ſame Emperor recalled [*d*] it by a contrary Law, which granted Liberty to ſuch Deaconeſſes to diſpoſe of their Goods in their Lifetime to any Church or Clerk whatſoever. And *Marcian* made the Law a little more extenſive, allowing [*e*] Deaconeſſes and all other Religious Women, to diſpoſe of any part of their Eſtates, by Will or Codicill, to any Church, or Oratory, or Clerk, or Monk, or Poor whatſoever. Which Law *Juſtinian* alſo confirmed and inſerted it [*f*] into his Code. So that *Conſtantine*'s Law continued always in full Force, and the ſucceeding Princes did not derogate from the Privilege which he had granted the Church in this reſpect, for fear (as *Baronius* pretends) leſt the Liberality of the Subject to the Church ſhould impoveriſh the Commonwealth. Men were very Liberal in-

[*d*] Ibid. Leg. 28. Legem, quæ Diaconiſſis vel viduis nuper eſt promulgata, ne quis videlicet Clericus, neve ſub Eccleſiæ nomine, Mancipia, prædam, velut infirmi ſexus deſpoliator, & remotis Adfinibus & Propinquis, ipſe ſub prætextu Catholicæ Diſciplinæ ſe ageret viventis hæredem, eatenus animadvertat eſſe revocatam. [*e*] Marcian. Novel. 5. ad calcem Cod. Th. Generali Lege ſancimus, ſive Vidua, ſive Diaconiſſa, ſive Virgo Deo dicata, vel Sanctimonialis mulier, ſive quocunque alio nomine religioſi honoris vel dignitatis fœmina nuncupetur, Teſtamento vel Codicillo ſuo — Eccleſiæ, vel Martyrio, vel Clerico, vel Monacho, vel Pauperibus aliquid vel ex integro vel ex parte, in quacunque Re vel Specie credidit relinquendum, id modis omnibus ratum firmumque conſtet. [*f*] Cod. Juſtin. Lib. 1. Tit. 2. de ſacroſanct. Eccl. Leg. 13.

deed in their Gifts and Donations to the Church in this Age, but yet not ſo profuſe as to need Statutes of *Mortmain* to reſtrain them.

Sect 7. 3dly, *Another Part of Church-Revenues raiſed by Allowances out of the Emperor's Exchequer.*

For beſides the Liberality of the Subjects, the Emperors in theſe Ages found it neceſſary to make the Clergy an Allowance out of the Publick Revenues of the Empire; which was another way of Providing a Maintenance for them. *Conſtantine* both gave the Clergy particular Largeſſes, as their Occaſions required, and alſo ſettled upon them a ſtanding Allowance out of the Exchequer. In one of his Epiſtles to *Cæcilian* Biſhop of *Carthage*, recorded by *Euſebius* [g], he acquaints *Cæcilian* with his Orders which he had given to *Urſus*, his General Receiver in *Africk*, to pay him Three Thouſand *Pelles*, τειχιλίους φόλλεις, to be divided at his Diſcretion among the Clergy of the Provinces of *Africa*, *Numidia*, and the Two *Mauritania's*. And if this Sum would not Anſwer all their preſent Neceſſities, he gave him farther Orders to demand of his Procurator *Heraclides*, whatever he deſired more. I need not ſtand here to enquire Critically what this Sum of 3000 *Pholles* was (though it may be computed above Twenty Thouſand Pounds) ſince *Conſtantine* gave the Biſhop unlimitted Orders, to demand as much as the needs of the Clergy ſhould require. But he not only ſupply'd their preſent Neceſſities, but alſo gave Orders for a ſtanding Allowance to be made them out of the Publick Treaſury. For *Theodoret* [h] and *Sozomen* [i] ſay, he made a Law requiring the Chief

[g] Euſeb. Lib. 10. c. 6. [h] Theod. Lib. 1. c. 11. [i] Sozomen. Lib. 1. c. 5.

Chief Magiſtrates in every Province to grant the Clergy, and Virgins and Widows of the Church, an Annual Allowance of Corn, ἐτήσια σιτηρέσια, out of the yearly Tribute of every City. And thus it continued to the Time of *Julian*, who withdrew the whole Allowance. But *Jovian* reſtored it again in ſome Meaſure, granting them a Third Part of the former Allowance only, becauſe at that Time the Publick Income was very low, by reaſon of a ſevere Famine; but he promiſed them the whole, ſo ſoon as the Famine was ended, and the Publick Store-Houſes were better repleniſhed. But either *Jovian*'s Death prevented his Deſign, or the Neceſſities of the Clergy did not afterward require it. For though *Sozomen* ſeems to ſay, the whole was reſtored; yet *Theodoret*, who is more Accurate, affirms, that it was only τειτημόριον, a Third Part; and that ſo it continued to his own Times. In this Senſe therefore we are to underſtand that Law of the Emperor *Marcian*, which *Juſtinian* [*k*] has inſerted into his Code, decreeing, that the Salaries which had been always given to the Churches in divers ſorts of Grain out of the Publick Treaſures, ſhould be allowed them, without any Diminution. This did not entitle them to the whole Allowance firſt made them by *Conſtantine* (as ſome may be apt to imagine from the general Words of the Law) but only to the Third Part, which had been the Cuſtomary Allowance from the Time of *Jovian*.

Another

[*k*] Cod. Juſtin. Lib. 1. Tit. 2. de ſſ. Eccleſ. Leg. 12. Salaria quæ Sacroſanctis Eccleſiis in diverſis ſpeciebus de Publico hactenus miniſtrata ſunt, jubemus nunc quoque inconcuſſa, & à nullo prorſus imminuta præſtari.

Sect. 8.

4thly, *The Eſtates of Martyrs and Confeſſors dying without Heirs, ſettled upon the Church by* Conſtantine.

Another way by which ſome ſmall Addition was made to the Revenues of the Church, was from a Law of *Conſtantine* mentioned by *Euſebius* [*l*] in his Life, where he tells us, that as he ordered all the Eſtates of Martyrs and Confeſſors, and whoever had ſuffered in Time of Perſecution, to be reſtored to their next Relations; ſo if any of them died without Relations, the Church ſhould become their Heir, and in every Place where they lived, ſucceeded to their Inheritance.

Sect. 9.

5thly, *The Eſtates of Clergy-Men dying without Heirs and Will, ſettled in like manner.*

Theodoſius Junior and *Valentinian* the 3d made ſuch another Law in reference to the Temporal Poſſeſſions of the Clergy: That if any Presbyter [*m*] or Deacon, or Deaconeſs, or Subdeacon, or other Clerk, or any Man or Woman profeſſing a Monaſtick Life, died without Will and without Heirs, the Eſtates and Goods they were poſſeſs'd of, ſhould fall to the Church or Monaſtery to which they belonged, unleſs they were antecedently tied to ſome Civil Service. This implies that the Clergy were at Liberty to diſpoſe of their own Temporal Eſtates as they pleaſed; and they fell to the Church only in Caſe they died Inteſtate. But the Council of *Agde* in *France* under *Alarick* the *Goth An.* 506. went a little farther, and decreed, that [*n*] every Biſhop, who had no Children nor Nephews, ſhould make the Church

[*l*] Euſeb. Vit. Conſt. Lib. 2. c. 36. [*m*] Cod. Th. Lib. 5. Tit. 3. de Bonis Clericor. Leg. 1. Cod. Juſt. Lib. 1. Tit. 3. de Epiſc. Leg. 20. [*n*] Conc. Agathen. c. 24. al. 33. ap. Gratian. Cauſ. 12. Q. 2. c. 34. Epiſcopus qui Filios aut Nepotes non habuerit, alium quam Eccleſiam non relinquat Hæredem.

Church his Heir, and no other: As *Caranza*'s Edition and *Gratian* and ſome others read it. And the Council of *Sevil* [o] made a like Decree for the Spaniſh Churches; upon which *Caranza* [p] makes this Remark, That the Canon was fit to be renewed in Council, that the Church ſhould be the Biſhops Heir, and not the Pope. And that it was againſt the Mind of thoſe Fathers, that Biſhops ſhould ſet up Primogenitures, or enrich their Kindred out of the Revenues of the Church. Which Reflection among other things, might perhaps contribute towards his being brought into the Spaniſh Inquiſition, though he was Archbiſhop of *Toledo*; after which he underwent a Ten Years Impriſonment at *Rome*, and had ſome of his Books prohibited in the *Roman* Index, of which *Spondanus* [q] in his Annals will give the Reader a farther Account. But I return to the Primitive Church.

Sect 10.

6thly, Heathen Temples and their Revenues ſometimes given to the Church.

Where we may obſerve another Addition made to the Revenues of the Clergy, by the Donation of Heathen Temples; and ſometimes the Revenues that were ſettled upon them. For though the greateſt Part of theſe went commonly to the Emperor's Coffers, or to Favourites that begged them, upon the demoliſhing of the Temples; as appears from the Laws of *Honorius* [r] and *Gratian*, and ſeveral others in the *Theodoſian* Code; yet ſome of them were given to the Church: For

[o] Conc. Hiſpalenſ. 1. c. 1. [p] Caranz in Loc. Hic Canon erat renovandus in Concilio, ut hæres defuncti Epiſcopi eſſet Eccleſia, non tamen Papa. Secundo alienum eſt à Sententia horum Patrum licere Epiſcopo inſtituere Primogenituras, vel locupletare Conſanguineos. [q] Spondan. Annal. Eccl. An. 1559. n. 29. [r] Cod. Th. Lib. 16. Tit. 10. de Paganis, Leg. 19. & 20.

For *Honorius* [*s*] takes notice of ſeveral Orders and Decrees of his own, whereby ſuch Settlements had been made upon the Church, which were to continue the Churches Property and Patrimony for ever. And 'tis probable ſome other Emperors might convert the Revenues of the Temples to the ſame Uſe. At leaſt the Fabricks themſelves, and the Silver and Golden Statues that were in them, were ſometimes ſo diſpoſed of. For *Sozomen* [*t*] ſays, the Μίθρεον, or Temple of the Sun at *Alexandria*, was given to the Church by *Conſtantius*. And we learn from *Socrates* [*u*], that in the Time of *Theodoſius* the Statues of *Serapis*, aud many other Idols at *Alexandria* were melted down for the Uſe of the Church; the Emperor giving Orders that the Gods ſhould help to maintain the Poor.

Sect. 11.

7thly, *As alſo Heretical Conventicles and their Revenues.*

Honorius made a like Decree *An.* 412. in reference to all the Revenues belonging to Heretical Conventicles, that both the Churches or Conventicles themſelves, and all the Lands [*w*] that were ſettled upon them ſhould be forfeited, and become the Poſſeſſion and Property of the Catholick Church, as by former Decrees he had appointed. And I ſuppoſe, it was by Virtue of theſe Laws, that *Cyril* Biſhop of *Alexandria* ſhut up all the *Novatian* Churches, and ſeized upon all their Revenues, and deprived *Theonas* their Biſhop of his Subſtance; though *Socrates* [*x*] in telling the Story repreſents the matter a

[*s*] Ibid. Leg. 20 Ea autem quæ multiplicibus Conſtitutis ad venerabilem Eccleſiam voluimus pertinere, Chriſtiana ſibi merito Religio vindicavit, id eſt, vindicabit. [*t*] Sozom. Lib. 5. c. 7. [*u*] Socrat. Lib. 5. c. 16. [*w*] Cod. Th. Lib. 16. Tit. 5. de Hæret. Leg. 52. Eccleſiis eorum vel Conventiculis, Prædiiſque, ſiqua in eorum Eccleſias Hæreticorum largitas prava contulit, Proprietati Poteſtatique Catholicæ, ſicut jamdudum Statuimus, vindicatis. [*x*] Socrat. Lib. 7. c. 7.

a little more invidiously, as if *Cyril* had done all this by his own Private Usurped Authority and Arbitrary Power: Which will hardly gain Credit with any one that considers, that those Laws of *Honorius* were Published before *Cyril* came to the Episcopal Throne, which was not till the Year 412. when those Laws were reinforced by the Imperial power.

Sect. 12.
8thly, *The Estates of Clerks deserting the Church, to be forfeited to the Church.*

While I am upon this Head, it will not be improper to observe farther, that by *Justinian*'s Laws [y] if any Clergy-Men or Monks, who were possess'd of Temporal Estates, forsook their Church or Monastery, and turned Seculars again, all their Substance was forfeited to the Church or Monastery to which they belonged. These were the several Methods that were anciently taken for Augmenting and Improving the Revenues of the Church, besides those of First-fruits and Tithes, of which more hereafter.

Sect. 13.
No disreputable ways of Augmenting Church-Revenues encouraged. Fathers not to disinherit their Children to make the Church their Heir.

But I must observe, that as these Methods were generally reputed Legal and Allowable, so there were some other as generally disallowed and condemned. Particularly we find in St. *Austin*'s time, that it was become a Rule in the *African* Church, to receive no Estates that were given to the Church to the great Detriment and Prejudice of the common Rights of any others. As if a Father disinherited his Children to make the Church his Heir, in that Case no Bishop

[y] Cod. Justin. Lib. 1. Tit. 3. de Episc. Leg. 55. Si illi Monasteria aut Ecclesias relinquant, atque mundani fiant; omne ipsorum Jus ad Monasterium aut Ecclesiam pertinet. Vid. Novel. 5. c. 4. & 6. It. Novel 123. c. 42.

Biſhop would receive his Donation. *Poſſidius* tells [*z*] us St. *Auſtin* refuſed ſome Eſtates ſo given, becauſe he thought it more juſt and equal, that they ſhould be poſſeſſed by the Children, or Parents, or next Kindred of the Deceaſed Perſons. And that he did ſo, is evident from his own Words in his Diſcourſe *de Vita Clericorum* [*a*], where he ſays, he had returned an Eſtate to a Son, which an angry Father at his Death had taken from him: And he thought he did well in it; profeſſing for his own part, that if any diſinherited his Son, to make the Church his Heir, he ſhould ſeek ſome one elſe to receive his Donation, and not *Auſtin*; and he hoped by the Grace of God there would be none that would receive it. He adds in the ſame place a very Remarkable and Laudable Inſtance of great Generoſity and Equity in *Aurelius* Biſhop of *Carthage*, in a Caſe of the like Nature. A certain Man [*b*] having no Children, nor hopes of any, gave away his whole Eſtate to the Church, only reſerving to himſelf the Uſe of it for Life. Now it happened afterwards, that he had Children born to him; upon which the Biſhop generouſly returned him his Eſtate, when he did not at all expect it. The Biſhop indeed, ſays *Auſtin*, had it in his Power to have kept it, *ſed jure Fori, non jure Poli*, only by the Laws of Man, but not by the Laws of Heaven. And

[*z*] Poſſid. Vit. Aug. c. 24. [*a*] Aug. Serm. 49. de Diverſis. Tom. 10. p. 520. Quando donavi filio, quod iratus Pater moriens abſtulit, bene feci.—Quid plura, Fratres mei? Quicunque vult exhæredato filio hæredem facere Eccleſiam, quærat alterum qui ſuſcipiat, non Auguſtinum; imo Deo propitio neminem inveniat. [*b*] Id. ibid. Quidam cum filios non haberet, neque ſperaret, res ſuas omnes, retento ſibi Uſufructu, donavit Eccleſiæ. Nati ſunt illi filij, & reddidit Epiſcopus nec opinanti quæ ille donaverat. In poteſtate habebat Epiſcopus non reddere; ſed jure Fori, non jure Poli.

And therefore he thought himſelf obliged in Conſcience to return it. This ſhews how tender they were of augmenting the Revenues of the Church by any Methods, that might be thought Unequitable, or ſuch as were not Reputable, Honeſt, or of good Report; herein obſerving the Apoſtle's Rule, to let their Moderation, τὸ ἐπιεικὲς, their Equity, be known to all Men; not doing any Hard thing for Lucre's ſake, not taking Advantages by Rigor of Law, when Conſcience and Charity were againſt them.

Sect. 14. *Nothing to be demanded for adminiſtring the Sacraments of the Church, nor for Conſecrating Churches, nor Interment of the Dead.*

To avoid Scandal alſo, and to provide things honeſt in the ſight of all Men, they forbad any thing to be demanded for adminiſtring the Sacraments of the Church. The Council of *Eliberis* ſeems to intimate, that it was Cuſtomary with ſome Perſons at their Baptiſm to caſt Money into a Baſon by way of Gratuity to the Miniſter; but even this is there forbidden by a Canon, leſt the Prieſt [c] ſhould ſeem to ſell what he freely received. Whence we may conclude, that if the People might not offer, the Prieſt might much leſs exact or demand any thing for adminiſtring the Sacrament of Baptiſm. In other Churches a Voluntary Oblation was allowed of, from Perſons that were able and willing to make it; but all Exactions of that Nature from the Poor were ſtill prohibited, for fear of diſcouraging them from Offering themſelves or their Children to Baptiſm. Thus it was in the Roman Church in the Time

[c] Conc. Eliber c. 38. Emendari placuit, ut hi qui baptizantur (ut fieri ſolebat) Nummos in Concham non mittant; ne ſacerdos, quod gratis accepit, pretio diſtrahere videatur.

Time of *Gelaſius*, as we learn from [*d*] his Epiſtles; and in the *Greek* Church in the Time of *Gregory Nazianzen* who takes occaſion to anſwer this Objection [*e*] which Poor Men made againſt coming immediately to Baptiſm, becauſe they had not wherewith to make the uſual Preſent that was then to be Offered, or to purchaſe the ſplendid Robe that was then to be worn, or to provide a Treat for the Miniſter that Baptized them. He tells them, no ſuch things would be expected or exacted of them: They need only make a Preſent of themſelves to Chriſt, and entertain the Miniſter with their own Good Life and Converſation, which would be more acceptable to him than any other Offerings. This implies, that it was then the Cuſtom for the People to make a Voluntary Oblation at their Baptiſm; but not the Cuſtom of Miniſters to demand it, as a matter of Right, for fear of giving Scandal. Some Editions of *Gratian* [*f*] and *Vicecomes* [*g*] alledge a Canon of the 3d or 4th Council of *Carthage* to the ſame purpoſe; which if the Allegation were true, would prove that the ſame Cuſtom obtained in the *African* Church. But as *Antonius* [*h*] *Auguſtinus*, and the Roman [*i*] Correctors of *Gratian* have obſerved, there is no ſuch Canon to be found in any *African* Council; but it is a Canon of the 2d Council of *Bracara* in *Spain*, which finding a Corrupt Practice crept in among the Clergy (notwithſtanding

[*d*] Gelaſ. Ep. 1. al. 9. ad Epiſc. Lucaniæ. c. 7. Baptizandis conſignandiſque Fidelibus pretia nulla Presbyteri præfigant, nec Illationibus quibuſdam impoſitis exagitare cupiant renaſcentes; quoniam quod gratis accipimus, gratis dare mandamur. Et ideo nihil à prædictis exigere moliantur, quo vel paupertate cogente deterriti, vel Indignatione revocati, Redemptionis ſuæ cauſas adire deſpiciant. [*e*] Naz. Orat. 40. de Bapt. T. 1. p. 655. [*f*] Gratian. Cauſ. 1. Q. 1. c. 103. [*g*] Vicecom. de Ritib. Bapt. Lib. 4. c. 2. [*h*] Anton. Aug. de Emend. Gratiani Lib. 1. Dial. 14. [*i*] Gratian. ibid. Edit. Rom. An. 1582.

ing the former Prohibition of the *Eliberitan* Council) that Miniſters did exact Pledges of the Poor, who had not Ability to make any Offering; endeavoured to redreſs this Corruption, by paſſing a New Order, that though [k] Voluntary Oblations might be received; yet no Pledge ſhould be extorted from the Poor, who were not able to offer; becauſe many of the Poor for fear of this kept back their Children from Baptiſm. The ſame Council of *Bracara* made a Decree, that no Biſhop ſhould exact [l] any thing as a Due of any Founders of Churches for their Conſecration; but if any thing was voluntarily offered, he might receive it. And ſo in like manner for Confirmation [m], and adminiſtring the *Euchariſt* [n], all Biſhops and Presbyters are ſtrictly injoyned not to exact any thing of the Receivers, becauſe the Grace of GOD was not to be ſet to Sale, nor the Sanctification of the Spirit to be imparted for Money. St. *Jerom* aſſures us farther, that it was not very Honourable in his Time to exact any thing for the Burying Places of the Dead: For he cenſures thoſe that Practiſed it, as falling ſhort [o] of the Merit of *Ephron* the *Hittite*, whom *Abraham* forced to receive Money for the Burying-

T Place

[k] Conc. Bracar. 2. c. 7. edit. Crab. al. 3. Bracar. Ed. Labbe. Qui infantes ſuos ad Baptiſmum offerunt, ſi quid voluntarie pro ſuo offerunt voto, ſuſcipiatur ab eis; ſi vero per neceſſitatem Paupertatis aliquid non habent quod offerant, nullum illis pignus violenter tollatur à Clericis. Nam multi Pauperes hoc timentes, filios ſuos à Baptiſmo retrahunt. [l] Ibid. can. 5. [m] Gelaſ. Ep. 1. al. 9. ad Epiſc. Lucan. c. 7. [n] Conc. Trul. c. 23. [o] Hieron. Quæſt. Hebraic. in Gen. 23. Tom. 3. p. 214. Poſtquam pretio victus eſt, ut ſepulcrum venderet, &c. appellatus eſt Ephran: Significante ſcriptura, non eum fuiſſe conſummatæ perfectæque virtutis, qui potuerit Memorias vendere mortuorum. Sciant igitur qui ſepulchra venditant, & non coguntur ut accipiant pretium, ſed à nolentibus etiam extorquent, immutari nomen ſuum, & perire quid de merito eorum, &c.

Place which he bought of him: But now, ſays he, there are ſome who ſell Burying-Places, and take Money for them, not by Compulſion, as *Ephron* did, but by Extortion rather from thoſe that were unwilling to Pay. By which we may underſtand, that in his time it was hardly allowable to demand any thing for the uſe of a Publick or Private Cemetery: Nor was this any Part of the Church-Revenues in thoſe Days, when as yet the Cuſtom of Burying in Churches was not generally brought in, but was the Practice of later Ages; of which more when we come to ſpeak of the Funeral Rites of the Church.

Sect. 15.

The Oblations of the People anciently one of the moſt valuable Parts of Church-Revenues.

If any one is deſirous to know, what Part of the Church-Revenues was anciently moſt ſerviceable and beneficial to the Church, he may be informed from St. *Chryſoſtom* and St. *Auſtin*, who give the greateſt Commendations to the Offerings and Oblations of the People, and ſeem to ſay, that the Church was never better provided, than when her Maintenance was raiſed chiefly from them. For then Mens Zeal prompted them to be very Liberal in their daily Offerings: But as Lands and Poſſeſſions were ſettled upon the Church, this Zeal ſenſibly abated; and ſo the Church came to be worſe provided for, under the Notion of growing Richer. Which is the thing that St. *Chryſoſtom* complains of in his own Times, when the ancient Revenue ariſing from Oblations was in a great Meaſure ſunk, and the Church with all her Lands left in a worſe Condition than ſhe was before. For now her Miniſters were forced to ſubmit to Secular Cares, to the Management of Lands, and Houſes, and the Buſineſs of Buying and Selling, for fear the Orphans and Virgins and Widows of the

the Church ſhould ſtarve. He exhorts the People therefore to return to their ancient Liberality of Oblations; which would at once eaſe the Miniſtry of all ſuch Cares, and make a good Proviſion for the Poor, and take off all the little Scoffs and Objections, that ſome were ſo ready to make and caſt upon the Clergy, that they were too much given to Secular Cares and Employments; when indeed it was not Choice, but Neceſſity that forced them to it. There are, ſays he, in this Place (at *Antioch* he means) by the Grace of God an Hundred thouſand Perſons that come to Church. Now if every one [*p*] of theſe would but give one Loaf of Bread daily to the Poor, the Poor would live in Plenty. If every one would contribute but one Half-penny, no Man would want; neither ſhould we undergo ſo many Reproaches and Deriſions, as if we were too intent upon our Poſſeſſions. By this Diſcourſe of *Chryſoſtom*'s it plainly appears, that he thought the Oblations of the People in Populous Cities, when Men were acted with their Primitive Zeal, was a better Proviſion for the Clergy, than even the Lands and Poſſeſſions of the Church. And St. *Auſtin* ſeems to have had the ſame Senſe of this matter. For *Poſſidius* [*q*] tells us in his Life, that when he found the Poſſeſſions of the Church were become a little Invidious, he was uſed to tell the Laity that he had rather live upon the Oblations of the People of GOD, than undergo the Care

[*p*] Chryſ. Hom. 86. in Matth. [*q*] Poſſid. Vit. Aug. c. 23. Dum forte (ut adſolet) de Poſſeſſionibus ipſis invidia Clericis fieret, alloquebatur Plebem Dei, malle ſe ex Collationibus Plebis Dei vivere, quam illarum Poſſeſſionum curam vel gubernationem pati; & paratum ſe illis cedere, ut eo modo omnes Dei ſervi & Miniſtri viverent, quo in Veteri Teſtamento leguntur Altari deſervientes de eodem comparticipari. Sed nunquam id Laici ſuſcipere voluerunt.

and Trouble of those Possessions; and that he was ready to part with them, provided all the Servants and Ministers of GOD might live as they did under the *Old Testament*, when, as we read, they that served at the Altar, were made Partakers of the Altar. But though he made this Proposal to the People, they would never accept of it. Which is an Argument, that the People also thought, that the Reducing the Clergy's Maintenance to the Precise Model of the *Old Testament* would have been a more chargeable way to them than the other; since the Oblations of the *Old Testament* included Tithes and First-fruits; concerning the State and Original of which, as to what concerns the Christian Church, I come now to make a more particular Enquiry.

CHAP. V.

Of Tithes and First-fruits in particular.

Sect. 1.
Tithes anciently reckoned to be due by Divine Right.

CONcerning Tithes, so far as relates to the Ancient Church, it will be proper to make three Enquiries. 1*st*, Whether the Primitive Fathers esteemed them to be due by Divine Right? 2*dly*, If they did, why they were not always strictly demanded? 3*dly*, In what Age they were first generally settled upon the Church? As to the first Enquiry, it is generally agreed by learned Men, that the Ancients accounted Tithes to be due by Divine Right. *Bellarmin* indeed [*a*], and *Rivet* [*b*], and Mr. *Selden* [*c*] place them upon another

[*a*] Bellarmin. de Clericis Lib. 1. c. 25. [*b*] Rivet. Exerc. 80. in Gen. 14. p. 386. [*c*] *Selden Hist. of Tithes. c.* 4.

ther Foot: But our learned Biſhop *Andrews* [*d*] and Biſhop *Carleton* [*e*] who wrote before Mr. *Selden*, and Biſhop *Montague* [*f*] and *Tilleſly* [*g*], who wrote in Anſwer to him (not to mention many others who have written ſince) have clearly proved, that the Ancients believed the Law about Tithes not to be meerly a Ceremonial or Political Command, but of Moral and Perpetual Obligation. It will be ſufficient for me in this Place to preſent the Reader with two or three of their Allegations. *Origen* in one of his Homilies [*h*] on *Numbers* thus delivers his Opinion about it: How does our Righteouſneſs exceed the Righteouſneſs of the *Scribes* and *Phariſees*, if they dare not taſte of the Fruits of the Earth, before they offer the Firſt-fruits to the Prieſts, and ſeparate the Tithes for the *Levites*? Whilſt I do nothing of this, but only ſo abuſe the Fruits of the Earth, that neither the Prieſt, nor the *Levite*, nor the Altar of GOD ſhall ſee any of them? St. *Jerom* [*i*] ſays expreſly, that the Law about Tithes and Firſt-fruits was to be underſtood to continue in its full Force in the Chriſtian Church; where Men

 were

[*d*] Andrews de Decimis, inter Opuſcula. [*e*] *Carleton Divine Right of Tithes.* c. 4. [*f*] Montague Diatribæ, &c. [*g*] *Tilleſly Anſw. to Selden.* [*h*] Orig. Hom. 11. in Num. 18. Tom. 1. p. 210: Quomodo ergo abundat Juſtitia noſtra pluſquam Scribarum & Phariſæorum, ſi illi de fructibus terræ ſuæ guſtare non audent, priuſquam Primitias ſuas ſacerdotibus offerant, & Levitis Decimæ ſeparentur? Et ego nihil horum faciens, fructibus terræ ita abutar, ut Sacerdos neſciat, Levites ignoret, Divinum Altare non ſentiat? [*i*] Hieron. Com. in Mal. 3. Quod de Decimis Primitiiſque diximus, quæ olim dabantur à Populo ſacerdotibus ac Levitis, in Eccleſiæ quoque Populis intelligite: Quibus præceptum eſt, non ſolum Decimas dare & Primitias, ſed & vendere omnia quæ habent & dare pauperibus, & ſequi Dominum ſalvatorem. Quod ſi facere nolumus, ſaltem Judæorum imitemur exordia, ut pauperibus partem demus ex toto, & ſacerdotibus & Levitis honorem debitum deferamus. Quod qui non fecerit, Deum fraudare & ſupplantare convincitur. &c.

were commanded not only to give Tithes, but to ſell all that they had, and give to the Poor. But, ſays he, if we will not proceed ſo far, let us at leaſt imitate the *Jewiſh* Practice, and give Part of the whole to the Poor, and the Honour that is due to the Prieſts and *Levites*. Which he that does not, defrauds GOD, and makes himſelf liable to a Curſe. St. *Auſtin* as plainly favours the ſame Opinion, telling Men [*k*], that they ought to ſeparate ſomething out of their Yearly Fruits or daily Income; and that a Tenth to a Chriſtian was but a ſmall Proportion. Becauſe it is ſaid, the *Phariſees* gave Tithes: *I faſt twice in the Week, I give Tithes of all that I poſſeſs.* And our Lord ſaith, *Except your Righteouſneſs exceed the Righteouſneſs of the* Scribes *and* Phariſees, *ye ſhall not enter into the Kingdom of Heaven.* But if he, whoſe Righteouſneſs you are to exceed, give Tithes; and you give not a Thouſandth Part; how can you be ſaid to exceed him, whom you do not ſo much as equal? By theſe few Allegations the Reader may be able to judge, what Notion the Ancients had of Tithes, as due by Divine Right under the Goſpel, as well as under the Law; and that the Precept concerning them was not a meer Ceremonial or Political Command given to the *Jews* only.

But

[*k*] Aug. Com. in Pſal. 146. Tom. 8. p. 698. Præcidite ergo aliquid, & deputate aliquid fixum vel ex annuis fructibus vel ex quotidianis Quæſtibus veſtris. — Decimas vis? Decimas exime, qüanquam parum ſit. Dictum eſt enim, quia Phariſæi Decimas dabant, &c. Et quid ait Dominus? Niſi abundaverit Juſtitia veſtra pluſquam Scribarum & Phariſæorum, non intrabitis in regnum cælorum. Et ille, ſuper quem debet abundare Juſtitia tua, Decimas dat: Tu autem nec Milleſimam das. Quomodo ſuperabis eum, cui non æquaris?

Sect. 2.
Why not exacted in the Apoſtolical Age and thoſe that Immediately followed.

But why then, it may be ſaid, were not Tithes exacted by the Apoſtles at firſt, or by the Fathers in the Ages immediately following? For it is generally believed, that Tithes were not the Original Maintenance of Miniſters under the Goſpel. To this Biſhop *Carleton* [*l*] has returned ſeveral very ſatisfactory Anſwers, which the Reader may take in his own Words. *1ſt*, That Tithes were paid to the Prieſts and Levites in the time of Chriſt and his Apoſtles: Now the Synagogue muſt firſt be buried, before theſe things could be orderly brought into Uſe in the Church. *2dly*, In the Times of the *New-Teſtament*, and ſomewhat after, there was an extraordinary Maintenance by a Community of all things, which ſupplied the want of Tithes: But this Community was extraordinary, and not to laſt always. *3dly*, The Uſe of paying Tithes, as the Church then ſtood, was ſo incommodious and cumberſome, that it could not well be practiſed. And therefore as Circumciſion was laid aſide for a Time, whilſt *Iſrael* travelled through the Wilderneſs, not becauſe the People of right ought not then alſo to have uſed it, but becauſe it was ſo incommodious for that Eſtate and Time of the Church, that it could not without great Trouble be practiſed: even ſo the Uſe of Tithes in the Time of Chriſt and his Apoſtles was laid aſide, not becauſe it ought not, but becauſe it could not without great Incumbrance be done. And as Circumciſion was reſumed, as ſoon as the Eſtate of the Church could bear it: So Tithes were reeſtabliſhed, as ſoon as the Condition of the Church could ſuffer it. For Tithes cannot well be paid,

[*l*] *Carleton Div. Right of Tithes. Cap. 4. p. 31.*

but where ſome whole State or Kingdom receiveth Chriſtianity, and where the Magiſtrate doth favour the Church, which was not in the time of the Apoſtles. To theſe Reaſons ſome other learned Perſons [*m*] have added a Fourth, which is alſo worth noting, That the Tithes of Fruits were not ſo early paid to Chriſtian Prieſts, becauſe the Inhabitants of the Country were the lateſt Converts; whence alſo the Name Pagans ſtuck by the Heathens, becauſe the greateſt Relicks of them were in Country-Villages.

Sect. 3. *In what Age they were firſt generally ſettled upon the Church.*

As to the laſt Enquiry, When Tithes began firſt to be generally ſettled upon the Church? The common Opinion is, That it was in the 4th Century, when Magiſtrates began to favour the Church, and the World was generally converted from Heatheniſm. Some think [*n*] *Conſtantine* ſettled them by Law upon the Church: So *Alſted*, who cites *Hermannus Gigas* for the ſame Opinion. But there is no Law of *Conſtantine*'s now extant that makes expreſs mention of any ſuch thing. That which comes the neareſt to it, ſeems to be the Law about an annual Allowance of Corn to the Clergy in all Cities out of the Publick Treaſuries, which has been ſpoken of in the laſt Chapter: But this was not ſo much as a Tenth of the Yearly Product; for the whole Tribute itſelf ſeems to have been no more: For in ſome Laws of the *Theodoſian Code* [*o*] the Emperor's Tribute is called *Decimæ*, Tithes; and the Publicans, who collected it, are upon that Account by *Tully*

[*m*] Biſhop Fell Not. in Cypr. Ep. 66. al. 1. [*n*] Alſted. Supplement. Chamier de Membris Eccleſ. c. 10. [*o*] Cod. Th. Lib. 10. Tit. 19. de Metallis. Leg. 10 & 11.

Tully [p] called *Decumani*; and in *Heſychius* the Word, δεκατδίειν, to Tithe, is explained by τελωνεῖν & δεκάτην ἐισπεάτλεδς, to pay Tribute, or pay their Tithes to the Collectors of the Tribute. Unleſs therefore we can ſuppoſe, that *Conſtantine* ſettled the whole Tribute of the Empire upon the Church (which it is evident he did not) we cannot take that Law for a Settlement of Tithes upon the Clergy. Yet it might be a Step towards it: For before the End of the 4th Century, as Mr. *Selden* [q] himſelf not only confeſſes, but proves out of *Caſſian*, *Eugippius*, and others, Tithes were paid to the Church. St. *Auſtin* lived in this Age, and he ſays, Tithes were paid before his Time, and much better than they were in his own Time, for he makes a great Complaint of the Non-payment of them. Our Forefathers, ſays he [r], abounded in all things, becauſe they gave Tithes to GOD, and Tribute to *Cæſar*. But now becauſe our Devotion to GOD is ſunk, the Taxes of the State are raiſed upon us. We would not give GOD his Part in the Tithes, and therefore the whole is taken away from us. The Exchequer devours what we would not give to Chriſt. St. *Chryſoſtom* [s] and the Author of the *Opus Imperfectum* [t] on St. *Matthew*, that goes under his Name, teſtifie for the Practice of other Churches about the ſame time. And it were eaſy to add a Liſt of many other Fathers and Councils of the next Age, which ſpeak of Tithes [u] as then

[p] Vid. Cicer. Orat. 3. in Ver. n. 21 &22. [q] *Selden Hiſt. of Tith. c.* 5. p. 47, *&c.* [r] Aug. Hom. 48. ex 50. Tom. 10. p. 201. Majores noſtri ideo copiis omnibus abundabant, quia Deo Decimas dabant, & Cæſari cenſum reddebant. Modo autem quia deceſſit Devotio Dei, acceſſit Indictio Fiſci. Nolumus partiri cum Deo Decimas, modo totum tollitur. Hoc tollit Fiſcus, quod non accipit Chriſtus. [s] Chryſ. Hom. 4. in Epheſ. p. 1058. [t] Opus Imperf. in Mat. Hom. 44. Si Populus Decimas non obtulerit, murmurant omnes: At ſi peccantem Populum viderint, nemo murmurat contra eum. [u] Conc. Aurelian. 1. An. 511. can. 17. Conc. Matiſcon. 2. An. 588. c. 5.

then actually ſettled upon the Church: But ſince they who diſpute moſt againſt the Divine Right of them, do not deny this as to Fact, it is needleſs to proſecute this matter any farther; which they that pleaſe may ſee Hiſtorically deduced through many Centuries by Mr. *Selden* [*w*].

Sect. 4. *The Original of Firſt-fruits, and the Manner of Offering them.*

There is one Part more of Church-Revenues, whoſe Original remains to be enquired into, and that is Firſt-fruits, which are frequently mentioned in the Primitive Writers. For not only thoſe called the Apoſtolical Canons [*x*] and Conſtitutions [*y*] ſpeak of them, as Part of the Maintenance of the Clergy; but Writers more Ancient and more Authentick, as *Origen* and *Irenæus*, mention them alſo as Oblations made to GOD. *Celſus*, ſays *Origen* [*z*], would have us dedicate Firſt-fruits to *Dæmons*; but we dedicate them to him, who ſaid, *Let the Earth bring forth Graſs, the Herb yielding Seed, and the Fruit-tree yielding Fruit after his Kind.* To whom we give our Firſt-fruits, to him alſo we ſend up our Prayers, having a great High-Prieſt that is entered into Heaven, *&c.* In like Manner *Irenæus* [*a*] ſays, Chriſt taught his Diſciples to offer the Firſt-fruits of the Creatures to GOD, and that this was the Churches continual Oblation with Thankſgiving for the Enjoyment of all the reſt. Which implies, either that they had a particular Form of Thankſgiving, as there is in both the *Greek* and *Latin*

[*w*] *Selden Hiſt. of Tithes. c.* 5, *&c.* [*x*] Canon. Apoſt. c. 4. [*y*] Conſtit. Lib. 2. c. 25. Lib. 8. c. 30. [*z*] Orig. cont. Celſ. Lib. 8. p. 400. [*a*] Iren. Lib. 4. c. 32. ſed & ſuis Diſcipulis dans conſilium Primitias Deo offerre ex ſuis Creaturis, &c. Ibid. c. 34. Offerre igitur oportet Deo Primitias ejus creaturæ, &c.

Latin Rituals; or elſe that theſe Firſt-fruits were offered with other Oblations at the time of the *Euchariſt*. However this be, it is evident, that as they were Principally deſigned for Agnizing the Creator, ſo they were ſecondarily intended for the Uſe of his Servants. And therefore we find the Euſtathian Hereticks cenſured by the Synod of *Gangra An.* 324. for that they took the Firſt-fruits, which were anciently given to the Church, and divided them among the Saints of their own Party [*b*]; in oppoſition to which Practice there are two Canons [*c*] made by that Council, forbidding any one to receive or diſtribute ſuch Oblations out of the Church, otherwiſe than by the Directions of the Biſhop, under Pain of Excommunication. Some other Rules are alſo given by one of the Councils [*d*] of *Carthage*, inſerted into the *African Code*, concerning theſe Firſt-fruits, that they ſhould be only of Grapes and Corn; which ſhews that it was alſo the Practice of the *African* Church. *Nazianzen* likewiſe mentions the Firſt-fruits of the Wine-preſs and the Floor, which were to be dedicated [*e*] to GOD. And the Author of the Conſtitutions has a Form of Prayer [*f*], ἐπίκλησις ἐπὶ ἀπαρχῶν, an Invocation upon the Firſt-fruits, to be uſed at their Dedication. So that it ſeems very clear, that the Offering of Firſt-fruits was a very ancient and general Cuſtom in the Chriſtian Church, and that this alſo contributed ſomething toward the Maintenance of the Clergy; whoſe Revenues I have now conſidered ſo far as concerns the ſeveral Kinds and firſt Original of them.

[*b*] Conc. Gangr. in Præfat. καρποφορίας τε τὰς ἐκκλησιαστικὰς τὰς ἀνήκαθεν διδομένας τῇ ἐκκλησίᾳ ἑαυτοῖς ἢ τοῖς σὺν αὐτοῖς, ὡς ἁγίοις, τὰς διαδόσεις ποιούμενοι. [*c*] Ibid. can. 7. & 8. [*d*] Cod. Can. Afr. c. 37. al. 40. Conc. African. c. 4. [*e*] Naz. Ep. 80. [*f*] Conſtit. Lib. 8. c. 40.

CHAP.

CHAP. VI.

Of the Management and Diſtribution of the Revenues of the ancient Clergy.

Sect. 1. *The Revenues of the whole Dioceſe anciently in the Hands of the Biſhop.*

THE next thing to be conſidered is the ancient Way of Managing and Diſtributing theſe Revenues among the Clergy, and ſuch others as were Dependants upon the Church. Which being a little different from the Way of later Ages, ſince Settlements were made upon Parochial Churches; for the right underſtanding of it we are in the firſt Place to obſerve, that anciently the Revenues of the whole Dioceſe were all in the Hands of the Biſhop; who with the Advice and Conſent of his Senate of Preſbyters diſtributed them as the Occaſions of the Church required. This will appear evident to any one that will conſider theſe two things (which will hereafter be proved, when we come to ſpeak of Parochial Churches and their Original) firſt that there were anciently no Presbyters or other Clergy fixt upon particular Churches or Congregations in the ſame City or Dioceſe; but they were ſerved indifferently by any Presbyter from the *Eccleſia Matrix*, the Mother or Cathedral-Church, to which all the Clergy of the City or Dioceſe belonged, and not to any Particular Congregation. 2*dly*, That when Presbyters were fix'd to particular Churches or Aſſemblies in ſome Cities, yet ſtill thoſe Churches had no ſeparate Revenues; but the Maintenance of the Clergy Officiating in them was from the Common Stock of the Mother-Church, into which all the Oblations of Particular Churches were put, as into a common Fund, that from thence there might be made

made a general Diſtribution. That thus it was at *Conſtantinople* till the middle of the Fifth Century, is evident from what we find in *Theodorus Lector*, who ſays [*a*], that *Marcian* the *Oeconomus* or Guardian of the Church under *Gennadius An.* 460. was the firſt that ordered the Clergy of every Particular Church to receive the Offerings of their own Church, whereas before the Great Church received them all.

Sect. 2. *And by his Care diſtributed among the Clergy.*

Now this being the ancient Cuſtom, it gives us a clear Account how all the Revenues of the Church came to be in the Hands of the Biſhop, and how it was made one Part of his Office and Duty by the Canons to concern himſelf in the Care and Diſtribution of them. Of which becauſe I have already [*b*] ſpoken elſewhere, I ſhall ſay no more in this Place, ſave only that the Biſhop himſelf, to avoid Suſpicion and prevent Miſmanagement, was obliged to give an Account of his Adminiſtration in a Provincial [*c*] Synod; As alſo at his Election to exhibit a Liſt of his own Goods and Eſtate, that ſuch things as belonged to him [*d*] might be diſtinguiſhed from thoſe that belonged to GOD and the Church. And for the ſame Reaſon the great Council of *Chalcedon* [*e*] ordered, that every Biſhop ſhould have an *Oeconomus*, or Guardian of the Church, and He to be choſen by the Vote of all the Clergy, as has been noted in another Place. *See Book* 3. *Chap.* 12. *Sect.* 4.

As

[*a*] Theod. Lect. Lib. 1. p. 553. [*b*] *Book* 2. *Chap.* 4. *Sect.* 6. [*c*] Conc. Antioch. c. 25. [*d*] Canon. Apoſt. c. 39. al. 40. [*e*] Conc. Chalced. c. 25.

Sect. 3.
Rules about the Division of Church-Revenues.

As to the Distribution itself, in the most Primitive Ages we find no certain Rules about it; but as it was in the Apostles Days, so it continued for some Time after: What was collected, was usually deposited with the Bishop, and Distribution was made to every Man according as he had need. But the following Ages brought the matter to some certain Rules, and then the Revenues were divided into certain Portions, Monthly or Yearly, according as occasion required, and these proportioned to the State or Needs of every Order. In the Western Church the Division was usually into Three or Four Parts; whereof one fell to the Bishop; a second to the rest of the Clergy; a third to the Poor; and the fourth was applied to the Maintenance of the Fabrick and other necessary Uses of the Church. The Council of *Bracara* [*f*] makes but three Parts, one for the Bishop, another for the Clergy, and the third for the Fabrick and Lights of the Church. But then it was supposed that the Bishop's Hospitality should out of such a Proportion provide for the Necessities of the Poor. By other Rules the Poor, that is, all distressed People, the Virgins and Widows of the Church, together with the Martyrs and Confessors in Prison, the Sick and Strangers, have one fourth [*g*] in the Dividend expresly allotted them. For all these had Relief (though not a perfect Maintenance)

[*f*] Conc. Bracar. 1. c. 25. Placuit, ut de rebus Ecclesiasticis fiant tres æquæ Portiones, id est, una Episcopi, alia Clericorum, tertia in reparatione vel in Luminariis Ecclesiæ.
[*g*] Gelas. Ep. 1. al. 9. ad Episc. Lucaniæ. c. 29. Quatuor tam de Reditu quam de Oblatione Fidelium — convenit fieri Portiones: Quarum sit una Pontificis, altera Clericorum, Tertia Pauperum, Quarta fabricis applicanda. Vid. Simplicij Ep. 3. ad Florent. Gregor. Magn. Lib. 3. Ep. 11.

nance) from the Charity of the Church. At *Rome* there were Fifteen Hundred ſuch Perſons beſides the Clergy [*h*] provided for this way in the Time of *Cornelius*; and above Three Thouſand at *Antioch* [*i*] in the Time of *Chryſoſtom*: By which we may make an Eſtimate of the Revenues and Charities of thoſe Populous Churches.

Sect. 4. *In ſome Churches the Clergy lived all in common.*

In ſome Churches they made no ſuch Diviſion, but lived all in Common, the Clergy with the Biſhop, as it were in one Manſion, and at one Table. But this they did not by any general Canon, but only upon Choice, or particular Combination and Agreement in ſome particular Churches. As *Sozomen* [*k*] notes it to have been the Cuſtom at *Rinocurura* in *Egypt*, and *Poſſidius* affirms [*l*] the ſame of the Church of St. *Auſtin*. What was the Practice of St. *Auſtin* and his Clergy, we cannot better learn than from St. *Auſtin* himſelf, who tells us, That all his Clergy [*m*] laid themſelves voluntarily under an Obligation to have all things in Common: and therefore none of them could have any Property, or any thing to diſpoſe of by Will; or if they had, they were liable to be turned out, and have their Names expunged out of the Roll of the Clergy: Which he reſolved to do, though they appealed to *Rome*, or to a Thouſand Councils againſt him; By the help of

[*h*] Cornel. Ep. ad Fab. ap. Euſeb. Lib. 6. c. 43. [*i*] Chryſ. Hom. 67. in Matth. [*k*] Sozom. Lib. 6. c. 31. [*l*] Poſſid. Vit. Aug. c. 25. [*m*] Aug. Ser. 50. de Diverſis ſive de Communi Vita Clericorum Tom. 10. p. 523. Quia placuit illis Socialis hæc vita, quiſquis cum hypocriſi vixerit, quiſquis inventus fuerit habens proprium, non illi permitto ut inde faciat Teſtamentum, ſed delebo eum de Tabula Clericorum. Interpellet contra me mille Concilia, naviget contra me quo voluerit, ſit certe ubi potuerit, adjuvabit me Deus, ut ubi ego Epiſcopus ſum, illic Clericus eſſe non poſſit.

of GOD they ſhould not be Clerks where he was Biſhop. For his own part, he tells us, he was ſo punctual to this Rule, that if any one preſented him with a Robe finer than ordinary, he was uſed to ſell it; that ſince his Clergy could not wear the ſame in kind, they might at leaſt [*n*] partake of the Benefit when it was Sold and made Common. But as this way of Living would not comport with the State of all Churches, ſo there were but few that embraced it; and thoſe that did, were not compelled to it by any General Law, but only by Local Statutes of their own Appointment.

Sect. 5. *Alterations made in theſe matters by the Endowment of Parochial Churches.*

Yet in one of theſe two ways the Clergy were commonly provided for out of the Revenues of the Great Church; till ſuch Times as Endowments and Settlements began to be made upon Parochial Churches; Which was not done in all Places at the ſame Time, nor in one and the ſame way: But it ſeems to have had its Riſe from particular Founders of Churches, who ſettled *Manſe* and *Glebe* upon the Churches which they Builded, and upon that Score were allowed a Right of Patronage, to preſent their own Clerk, and inveſt him with the Revenues of the Church, wherewith they had endowed it. This Practice was begun in the Time of *Juſtinian An.* 500. if not before, for there are two of his Laws which [*o*] authorize and confirm it. About the ſame Time a Settlement of other Revenues, as Oblations, *&c.* was alſo made in ſome Places upon Parochial Churches, as has been obſerved

[*n*] Ibid. ſi quis meliorem dederit, vendo, quod & facere ſoleo, ut quando non poteſt veſtis eſſe communis, Pretium veſtis ſit commune. [*o*] Juſtin. Novel. 57. c. 2. Novel. 123. c. 18.

ſerved before out of *Theodorus Lector*'s Accounts of the Churches of *Conſtantinople*. Yet the Change is thought by ſome [p] to be much later in *England*: For they collect out of *Bede* [q], that the ancient courſe of the Clergy's Officiating only *pro tempore* in Parochial Churches, whilſt they received Maintenance from the Cathedral Church, continued in *England* more than an hundred Years after the coming of *Auſtin* into *England*, that is, till about the Year 700. For *Bede* plainly intimates, that at that Time the Biſhop and his Clergy lived together, and had all things common, as they had in the Primitive Church in the Days of the Apoſtles.

Sect. 6. *No Alienations to be made of Church-Revenues or Goods, but upon Extraordinary occaſions.*

I have but one thing more to obſerve upon this Head, which is, That ſuch Goods or Revenues as were once given to the Church, were always eſteemed devoted to God; and therefore were only to be employed in his Service, and not to be diverted to any other Uſe, except ſome Etraordinary Caſe of Charity abſolutely required it. As if it was to redeem Captives, or relieve the Poor in Time of Famine, when no other Succours could be afforded them: In that Caſe it was uſual to ſell even the Sacred Veſſels and Utenſils of the Church, to make Proviſion for the Living Temples of God, which were to be preferred before the Ornaments of the Material Buildings. Thus St. *Ambroſe* melted down the Communion-Plate of the Church of *Milan* to redeem ſome Captives, which otherwiſe muſt have continued in Slavery: And when the *Arians* objected this to him invidiouſly as a Crime, he wrote a moſt Elegant Apology and

[p] *Cawdrey Diſc. of Patronage* c. 2. p. 8. *Selden of Tithes* c. 9. p. 255. [q] Bede Hiſt. Gentis Anglor. Lib. 4. c. 27.

of GOD they ſhould not be Clerks where he was Biſhop. For his own part, he tells us, he was ſo punctual to this Rule, that if any one preſented him with a Robe finer than ordinary, he was uſed to ſell it; that ſince his Clergy could not wear the ſame in kind, they might at leaſt [*n*] partake of the Benefit when it was Sold and made Common. But as this way of Living would not comport with the State of all Churches, ſo there were but few that embraced it; and thoſe that did, were not compelled to it by any General Law, but only by Local Statutes of their own Appointment.

Sect. 5. *Alterations made in theſe matters by the Endowment of Parochial Churches.*

Yet in one of theſe two ways the Clergy were commonly provided for out of the Revenues of the Great Church; till ſuch Times as Endowments and Settlements began to be made upon Parochial Churches; Which was not done in all Places at the ſame Time, nor in one and the ſame way: But it ſeems to have had its Riſe from particular Founders of Churches, who ſettled *Manſe* and *Glebe* upon the Churches which they Builded, and upon that Score were allowed a Right of Patronage, to preſent their own Clerk, and inveſt him with the Revenues of the Church, wherewith they had endowed it. This Practice was begun in the Time of *Juſtinian An.* 500. if not before, for there are two of his Laws which [*o*] authorize and confirm it. About the ſame Time a Settlement of other Revenues, as Oblations, *&c.* was alſo made in ſome Places upon Parochial Churches, as has been obſerved

[*n*] Ibid. ſi quis meliorem dederit, vendo, quod & facere ſoleo, ut quando non poteſt veſtis eſſe communis, Pretium veſtis ſit commune. [*o*] Juſtin. Novel. 57. c. 2. Novel. 123. c. 18.

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Vindication for himſelf, where, among other things worthy the Readers peruſal, he pleads his own Cauſe after this manner: Is it not better that the Biſhop [r] ſhould melt the Plate to ſuſtain the Poor, when other Suſtenance cannot be had, than that ſome Sacrilegious Enemy ſhould carry it off by Spoil and Plunder? Will not our LORD expoſtulate with us upon this account? Why did you ſuffer ſo many helpleſs Perſons to Die with Famine, when you had Gold to provide them Suſtenance? Why were ſo many Captives carried away and Sold without Redemption? Why were ſo many ſuffered to be Slain by the Enemy? It had been better to have preſerved the Veſſels of Living Men, than Lifeleſs Metals. What anſwer can be returned to this? For what ſhall a Man ſay? I was afraid leſt the Temple of GOD ſhould want its Ornaments. But Chriſt will anſwer: My Sacraments do not require Gold, nor pleaſe me the more for being Miniſtred in Gold, which are not bought with Gold. The Ornament of my Sacraments is the Redemption of Captives: And thoſe are truly Precious Veſſels, which redeem Souls from Death. Thus that holy Father goes on to juſtifie the Fact, which the *Arians* called Sacrilege, but he by a truer Name, Charity and Mercy; for the ſake of which he concludes it was no Crime for a Man to break, to melt, to ſell the Myſtical Veſſels of the Church, though it were a very great Offence for any Man to convert them to his own Private uſe. After the ſame Example we find [s] St. *Auſtin* diſpoſed of the Plate of his Church for the Redemption of Captives. *Acacius* Biſhop of *Amida* did the ſame for the

[r] Ambroſ. de Offic. Lib. 2. c. 28. [s] Poſſid. Vit. Aug. c. 24.

the Redemption of ſeven Thouſand *Perſian* Slaves from the Hands of the *Roman* Soldiers, as *Socrates* [*t*] inform us. From whence we alſo learn, that in ſuch Caſes they did not conſider what Religion Men were of, but only whether they were Indigent and Neceſſitous Men, and ſuch as ſtood in need of their Aſſiſtance. We have the like Inſtances in the Practice of *Cyril* of *Jeruſalem*, mentioned by *Theodoret* [*u*] and *Sozomen*, and in *Deogratias* Biſhop of *Carthage*, whoſe Charity is extolled by *Victor Uticenſis* [*w*] upon the ſame Occaſion. For he ſold the Communion-Plate to redeem the *Roman* ſoldiers, that were taken Captives in their Wars with the *Vandals*. This was ſo far from being eſteemed Sacrilege or unjuſt Alienation, that the Laws againſt Sacrilege excepted this Caſe, though they did no other whatſoever. As may be ſeen in the Law of *Juſtinian*, which [*x*] forbids the Selling or Pawning the Church Plate or Veſtments, or any other Gifts, except in Caſe of Captivity or Famine, to redeem Slaves, or relieve the Poor; becauſe in ſuch Caſes the Lives or Souls of Men were to be preferred before any Veſſels or Veſtments whatſoever. The Poverty of the Clergy was a Pitiable Caſe of the ſame Nature: And therefore if the Annual Income of the Church would

[*t*] Socrat. Lib. 7. c. 21. [*u*] Theod. Lib. 2. c. 27. Sozom. Lib. 4. c. 25. [*w*] Victor. de Perſec. Vandal. Lib. 1. Bibl. Part. Tom. 7. p. 591. [*x*] Cod. Juſt. Lib. 1. Tit. 2. de ſacroſanct. Eccleſ. Leg. 21. Sancimus, nemini licere ſacratiſſima atque arcana Vaſa, vel Veſtes, cæteraque Donaria, quæ ad Divinam Religionem neceſſaria ſunt vel ad Venditionem vel ad Hypothecam vel ad Pignus trahere— Excepta cauſa Captivitatis & famis in locis quibus hoc contigerit. Nam ſi neceſſitas fuerit in Redemptione Captivorum, tunc & Venditionem præfatarum rerum divinarum, & Hypothecam & Pignorationes fieri concedimus; quoniam non abſurdum eſt, animas hominum quibuſcunque Vaſis vel Veſtimentis præferri.

not maintain them, and there was no other way to provide them of Neceſſaries; in that Caſe ſome Canons [y] allowed the Biſhop to Alienate or Sell certain Goods of the Church, to raiſe a preſent Maintenance.

Sect. 7. *And that with the joint Conſent of the Biſhop and his Clergy, with the Approbation of the Metropolitan or ſome Provincial Biſhops.*

But that no Fraud might be committed in any ſuch Caſes, the ſame Canons did ſpecially provide, that when any urgent Neceſſity compelled the Biſhop to take this extraordinary Courſe, he ſhould firſt conſult his Clergy, and alſo the Metropolitan, and others his comprovincial Biſhops, that they might judge of the Neceſſity, and whether it were a Reaſonable Ground for ſuch a Proceeding. The 4th Council of *Carthage* [z] diſanuls all ſuch Acts of the Biſhop, whereby he either gives away, or ſells, or commutes any Goods of the Church, without the Conſent and Subſcription of his Clergy. And the 5th Council of *Carthage* [a] requires him to intimate the Caſe and Neceſſity of his Church firſt to the Primate of the Province, that he with a certain number of Biſhops may Judge, whether it be fitting to be done. The Council of *Agde* [b] ſays, He ſhould firſt conſult Two or Three of his Neighbouring Biſhops, and take their Approbation. Thus ſtood the Laws of the

[y] Conc. Carthag. 5. c. 4. Conc. Agathen. c. 7. [z] Conc. Carth. 4. c. 32. Irrita erit Donatio Epiſcoporum, vel Venditio vel Commutatio rei Eccleſiaſticæ, abſque Conniventia & ſubſcriptione Clericorum. [a] Conc. Carth. 5. c. 4. Si aliqua neceſſitas cogit, hanc inſinuandam eſſe Primati Provinciæ ipſius, ut cum ſtatuto numero Epiſcoporum, utrum faciendum ſit, arbitretur. [b] Conc. Agathen. c. 7. Apud duos vel tres Comprovinciales vel Vicinos Epiſcopos, cauſa qua neceſſe ſit vendi, primitus comprobetur.

the Church, ſo long as the Biſhop and his Clergy had a common Right in the Dividend of Eccleſiaſtical Revenues: Nothing could be alienated without the Conſent of both Parties, and the Cognizance and Ratification of the Metropolitan, or Provincial Synod. So that the utmoſt Precaution was taken in this Affair, leſt under the Pretence of Neceſſity or Charity any Spoil or Devaſtation ſhould be made of the Goods and Revenues of the Church.

BOOK VI.

An Account of ſeveral Laws and Rules, relating to the Employment, Life and Converſation of the Primitive Clergy.

CHAP I.

Of the Excellency of theſe Rules in general, and the Exemplarineſs of the Clergy in Conforming to them.

Sect. 1.
The Excellency of the Chriſtian Rules atteſted and envied by the Heathens.

I Have in the two foregoing Books given an Account of the great Care of the Primitive Church in Providing and Training up fit Perſons for the Miniſtry, and of the great Encouragements that were given them by the State, as well to Honour and Diſtinguiſh their Calling, as to excite and provoke them to be ſedulous in the Diſcharge of their ſeveral Offices and Functions. There is one thing more remains, which is, to give an Account alſo of the Churches Care in making Neceſſary Laws and Canons, obliging every Member of the Eccleſiaſtick Body to live conformable to his Profeſſion, and exerciſe himſelf in the Duties of his Station and Calling. Theſe Rules were many of them ſo excellent in their own Nature, and ſo ſtrictly and carefully obſerved by thoſe who had a Concern in them, that ſome of the chief Adverſaries of the Chriſtian Religion could not but take notice of them,

them, and with a ſort of Envy and Emulation bear Teſtimony to them. Among the Works of *Julian* there is a famous Epiſtle of his to *Arſacius* High Prieſt of *Galatia*, (which is recorded alſo [a] by *Sozomen*) wherein he takes occaſion to tell him, that it was very viſible that the Cauſes of the great Increaſe of Chriſtianity were chiefly their profeſt Hoſpitality toward Strangers, and their great Care in Burying the Dead, joined with a pretended Sanctity and Holineſs of Life. Therefore he bids him, as High Prieſt of *Galatia*, to take care, that all the Prieſts of that Region that were under him, ſhould be made to anſwer the ſame Character; and that he ſhould either by his Threatnings or Perſwaſions bring them to be diligent and ſober Men, or elſe remove them from the Office of Prieſthood: That he ſhould admoniſh the Prieſts, neither to appear at the Theatre, nor frequent the Tavern, nor follow any Calling or Employment that was diſhonourable and ſcandalous; and ſuch as were obſervant of his Directions he ſhould honour and promote them, but diſcard and expel the Refractory and Contumacious. This is plainly to ſay (and it is ſo much the more remarkable for its coming from the Mouth of an Adverſary) that the Chriſtian Clergy of thoſe Times were Men that lived by excellent Rules, Diligent in their Employment, Grave and Sober in their Deportment, Charitable to the Indigent, and Cautious and Reſerved in their whole Converſation and Behaviour toward all Men. Which as it tended mightily to propagate and advance Chriſtianity in the World: So it was what *Julian* upon that Account could not but look upon with an envious Eye, and deſire that his Idol-

[a] Sozom. Lib. 5. c. 16.

Prieſts might gain the ſame Character; thereby to Eclipſe the Envied Reputation of the other, and reflect Honour and Luſtre upon his beloved Heathen Religion. We have the like Teſtimonies in *Ammianus Marcellinus* [*b*] and others, concerning the Frugality, Temperance, Modeſty and Humility of Chriſtian Biſhops in their own Times; which coming from the Pens of profeſt Heathens, and ſuch as did neither ſpare the Emperours themſelves, nor the Biſhops of *Rome*, who lived in greater State and Affluence, may well be thought Authentick Relations, and juſt Accounts of thoſe Holy Men, whoſe Commendations and Characters ſo ample nothing but Truth could have extorted from the Adverſaries of their Religion.

Sect. 2. *The Character of the Clergy from Chriſtian Writers.*

This being ſo, we may the more eaſily give Credit to thoſe noble Panegyricks and Encomiums, which ſome ancient Chriſtian Writers make upon the Clergy, and their Vertues and Diſcipline in general. *Origen* ſays [*c*], it was the Buſineſs of their Life to traverſe every Corner of the World, and make Converts and Proſelytes to Godlineſs both in Cities and Villages: And they were ſo far from making a Gain hereof, that many of them took nothing for their Service: and thoſe that did, took only what was neceſſary for their preſent Subſiſtence, though there wanted not Perſons enough, who in their Liberality were ready to have communicated much more to them. St. *Auſtin* [*d*] gives the like good Character of the Biſhops and Presbyters of his own Time, making them the chief Ornament

[*b*] Ammian. Marcel. Lib. 27. [*c*] Origen. cont. Celſ. Lib. 3. p. 116. [*d*] Aug. de Moribus Eccleſ. Cathol. c. 32. T. 1. p. 330.

Ornament of the Catholick Church, and extolling their Vertues above thoſe of a Monaſtick Life, becauſe their Province was more difficult, having to Converſe with all ſorts of Men, and being forced to bear with their Diſtempers in order to cure them. He that would ſee more of this general Character, muſt conſult the Ancient Apologiſts, where he will find it interwoven with the Character of Chriſtians in general; whoſe Innocence, and Patience, and Charity, and univerſal Goodneſs, was owing partly to the Inſtitutions, and partly to the provoking Examples of their Guides and Leaders, who lived as they ſpake, and firſt trod the Path themſelves which they required others to walk in. Which was the thing that ſet the Chriſtian Teachers ſo much above the Philoſophers of the *Gentiles*. For the Philoſophers indeed diſcourſed and wrote very finely about Vertue in the Theory, but they undid all they ſaid in their own Practice. Their Diſcourſes, as *Minucius* [*e*] obſerves, were only Eloquent Harangues againſt their own Vices; whereas the Chriſtian Philoſophers expreſſed their Profeſſion not in their Words or Habit, but in the real Vertues of the Soul: They did not talk great, but live well; and ſo attained to that Glory, which the Philoſophers pretended always to be offering at, but could never happily arrive to. *Lactantius* [*f*] triumphs over the *Gentile* Philoſophers upon the ſame Topick: And ſo *Gregory Nazianzen* [*g*], *Tertullian* [*h*], *Cyprian* [*i*], and many others; whoſe Arguments had been eaſily retorted, had not the Chriſtian Teachers been generally Men of a better Character,

[*e*] Minuc. Octav. p. 110. [*f*] Lact. Lib. 4. c. 23. Lib. 3 c. 15. [*g*] Naz. Invect 1. in Julian. [*h*] Tertul. Apol. c. 46. [*i*] Cyprian. de Bono Patient. p. 210.

Character, and free from thoſe Imputations which they caſt upon the adverſe Party.

Sect 3. *Particular Exceptions no Derogation to their general good Character*

Some few Inſtances indeed, it cannot be denied, are to be found of Perſons, who in theſe beſt Ages were Scandals and Reproaches to their Profeſſion. The Complaints that are made by good Men will not ſuffer us to believe otherwiſe. *Cyprian* [*k*] and *Euſebius* [*l*] lament the Vices of ſome among the Clergy, as well as Laity, and reckon them among the Cauſes that moved the Divine Providence to ſend thoſe two great fiery Tryals upon the Church, the *Decian* and the *Diocletian* Perſecutions; thereby to purge the Tares from the Wheat, and correct thoſe Enormities and Abuſes, which the Ordinary Remedy of Eccleſiaſtical Diſcipline, through the Iniquity of the Times, was not able to redreſs. The like Complaints are made by *Chryſoſtom* [*m*], *Gregory Nazianzen* [*n*], and St. *Jerom* [*o*], of ſome Eccleſiaſticks in their own Times, whoſe Practices were corrupt, and diſhonourable to their Profeſſion. And indeed it were a wonder if all Ages ſhould not afford ſome ſuch Inſtances of Unſound Members in ſo great a Body of Men, ſince there was a *Judas* even among the Apoſtles. But then it is to be conſidered, that a few ſuch Exceptions did not derogate from the good Character which the Primitive Clergy did generally deſerve: And the Faults of thoſe very Men were the Occaſion of many good Laws and Rules of Diſcipline, which the Provincial Synods of thoſe Times enacted; out of which I have chiefly collected the following

[*k*] Cypr. de Lapſis p. 124. [*l*] Euſeb. Lib. 8. c. 1. [*m*] Chryſ. Hom. 30. in Act. [*n*] Naz. Carm. Cygn. de Epiſcopis Tom. 2. [*o*] Hieron. Ep. 2. ad Nepotian.

following Account, which concerns the Lives and Labours of the ancient Clergy.

Sect. 4. *An Account of some ancient Writers which treat of the Duties of the Clergy.*

To these the Reader may join those excellent Tracts of the Ancients, which purposely handle this Subject: such as St. *Chrysostom*'s six Books *de Sacerdotio*; St. *Jerom*'s 2d Epistle to *Nepotian*, which is called, *De Vita Clericorum*; and *Gregory Nazianzen*'s Apology for flying from the Priesthood; in all which the Duties of the Clergy are excellently described. Or if any one desires to see them rather exemplified in some Living Instances and great Patterns of Perfection, which commonly make deeper Impressions than bare Rules, he must consult those excellent Characters of the most eminent Primitive Bishops, which are drawn to the Life by the best Pens of the Age; such as the Life of *Ignatius* by *Chrysostom*; the Life of St. *Basil* and *Athanasius* by *Gregory Nazianzen*; the Life of St. *Austin* by *Possidius*; the Life of *Gregory Thaumaturgus* and *Meletius* by *Gregory Nyssen*; in all which the true Character and Idea of a Christian Bishop is set forth and described with this Advantage, That a Man does not barely Read of Rules, but see them as it were exemplified in Practice. The chief of these Discourses in both Kinds are already translated into our own Language by other [p] Pens, and they are too prolix to be inserted into a Discourse of this Nature, which proceeds in a different Method from them. I shall therefore only extract such Observations from them, as fall in with the Publick and General Laws of the Church (of which I give an Account in the following Chapters) and leave the rest to the curious Diligence of the Inquisitive Reader.

[p] *See* Bishop Burnet's *Pastoral Care*, c. 4. *And* Seller's *Remarks on the Lives of the Primitive Fathers.*

CHAP.

CHAP. II.

Of Laws relating to the Life and Converſation of the Primitive Clergy.

Sect. 1. *Exemplary Purity required in the Clergy above other Men. Reaſons for it.*

THE Laws of the Church which concerned the Clergy I ſhall, for diſtinctions ſake, conſider under Three Heads; ſpeaking 1*ſt*, Of ſuch Laws as concerned their Life and Converſation. 2*dly*, Of ſuch as more particularly related to the Exerciſe of the ſeveral Offices and Duties of their Function. 3*dly*, Of ſuch as were a ſort of Out-guards or Fences to both the former. The Laws which related to their Life and Converſation, were ſuch as tended to create in them a Sublimity of Vertue above other Men; foraſmuch as they were to be Examples and Patterns to them; which if good, would be both a Light and a Spur to others; but if bad, the very Peſts and Banes of the Church. It is *Gregory Nazianzen*'s Reflection [*a*] upon the different ſorts of Guides which he had obſerved then in the Church. Some, he complains, did with unwaſhed Hands and Prophane Minds preſs to handle the Holy Myſteries, and affect to be at the Altar, before they were fit to be initiated to any Sacred Service. They looked upon the Holy Order and Function, not as deſigned for an Example of Vertue, but only as a way of ſubſiſting themſelves; not as a Truſt, of which they were to give an Account, but a State of Abſolute Authority and Exemption. And theſe Mens Examples corrupted the Peoples Morals,

[*a*] Naz. Orat. 3. Apologet. de Fuga. Tom. 1. p. 5.

Morals, faſter than any Cloth can imbibe a Colour, or a Plague infect the Air; ſince Men were more diſpoſed to receive the Tincture of Vice than Verrue from the Example of their Rulers. In oppoſition to ſuch, he lays down this as the firſt thing to be aimed at by all Spiritual Phyſicians, that they ſhould draw the Picture of all manner of Vertues in their own Lives, and ſet themſelves as Examples to the People; that it might not be Proverbially ſaid of them, That they ſet about Curing others, while they themſelves were full of Sores and Ulcers. Nor were they to draw this Image of Vertue ſlightly, and to a faint Degree, but accurately, and to the higheſt Perfection; ſince nothing leſs than ſuch Degrees and Meaſures of Vertue were expected by GOD from the Rulers and Governors of his People: And then there would be hopes, that ſuch Heights and Eminencies would draw the Multitude at leaſt to a Mediocrity in Vertue, and allure them to embrace that Voluntarily by gentle Perſuaſions, which they would not be brought to ſo effectually and laſtingly by Force and Compulſion. He urges farther [*b*] the Neceſſity of ſuch a Purity from the Conſideration of the Sacredneſs and Majeſty of the Function itſelf. A Miniſter's Office ſets him in the ſame Rank and Order with Angels themſelves; He celebrates GOD with Archangels; tranſmits the Churches Sacrifices to the Altar in Heaven, and performs the Prieſts Office with Chriſt himſelf; he Reforms the Work of GOD's Hands, and preſents the Image to his Maker; his Workmanſhip is for the World above; and therefore he ſhould be exalted to a Divine and Heavenly Nature, whoſe Buſineſs is to be as a God himſelf, and make others GOD's alſo. St. *Chryſoſtom* [*c*] makes uſe of the ſame

[*b*] Naz. Ibid. p. 31. [*c*] Chryſ. de ſacerdot. Lib. 3. c. 4.

ſame Argument, That the Prieſthood, though it be exerciſed upon Earth, is occupied wholly about Heavenly things; that it is the Miniſtry of Angels put by the Holy Ghoſt into the Hands of Mortal Men; and therefore a Prieſt ought to be Pure and Holy, as being placed in Heaven it ſelf, in the midſt of thoſe Heavenly Powers. He preſſes likewiſe the Danger and Prevalency of a bad Example [*d*]. Subjects commonly form their Manners by the Pattern of their Princes. How then ſhould a proud Man be able to aſſwage the ſwelling Tumors of others? Or an angry Ruler hope to make his People in Love with Moderation and Meekneſs? Biſhops are expoſed, like Combatants in the Theatre, to the View and Obſervation of all Men; and their Faults, though never ſo ſmall, cannot be hid: And therefore, as their Vertuous Actions profit many, by provoking them to the like Zeal; ſo their Vices will render others unfit to attempt or proſecute any thing that is Noble and Good. For which Reaſon their Souls ought to ſhine all over with the pureſt Brightneſs, that they may both Enlighten and Extimulate the Souls of others, who have their Eyes upon them. A Prieſt ſhould arm himſelf all over with Purity of Life, as with Adamantine Armor: For if he leave any Part naked and unguarded, he is ſurrounded both with open Enemies and pretended Friends, who will be ready to wound and ſupplant him. So long as his Life is all of a Piece, he needs not fear their Aſſaults: But if he be overſeen in a Fault, though but a ſmall one, it will be laid hold of and improved to the Prejudice of all his former Vertues. For all Men are moſt ſevere Judges in his Caſe, and treat him not with any allowance for being encompaſſed with Fleſh, or as having an Human Nature;

[*d*] Ibid. Lib. 3. c. 14.

Nature; but expect he ſhould be an Angel, and free from all Infirmities. He cannot indeed (as the ſame Father argues [e] in another place) with any tolerable Decency and Freedom diſcharge his Office in Puniſhing and Reproving others, unleſs he himſelf be blameleſs and without Rebuke. The Prieſts Office is a more difficult Province [f] than that of Leading an Army, or Governing a Kingdom, and requires an Angelical Virtue. His Soul ought to be puerer then the Rays of the Sun, that the Holy Spirit may never leave him deſolate; but that he may be always able to ſay, *I live, yet not I, but Chriſt that liveth in me.* He there goes on to draw the Compariſon [g] at large between the Clerical and the Monaſtick Life, and ſhews how much more difficult it is to take care of a Multitude of Men immerſed in ſecular Buſineſs, than of a ſingle Perſon, that lives retired and free from Temptation. And upon the whole matter he concludes [h], That as God requires greater Purity in thoſe that ſerve at his Altar, ſo he will exact a more ample Accouut of them, and more ſeverely Puniſh their Offences. By theſe and many other ſuch-like Arguments did thoſe Holy Fathers try to raiſe both in themſelves and others a juſt Senſe of that Univerſal Purity, which becomes the Sacred Function.

Sect. 2. *Church-Cenſures more ſevere againſt them than any others.*

And to the Strength of theſe Arguments the Church added the Authority of her Sanctions; inflicting ſeverer Penalties upon Offending Clergy-Men than any others. For, whereas all other Offenders were allowed, by the benefit of Publick Penance, to regain the Privileges of

[e] Chryſ. de ſacerd. Lib. 5. c. 3. [f] Chryſ. Ibid. Lib. 6. c. 2. [g] Ibid. Lib. 6. c. 3. [h] Ibid. Lib. 6. c. 10, & 11.

of their Order; this Favour was commonly denied by the Church to ſuch of her Sons among the Clergy, as were Notorious for any ſcandalous Crimes, whereby they became a Reproach to their Profeſſion. For ſuch Delinquents were uſually Depoſed from their Office, and ſometimes Excommunicated alſo, and obliged to do Penance among the Laymen; but with this Difference, that though Repentance would reſtore them to the Peace of the Church, yet it would not qualify them to act in their Office and Station again; but they muſt be content thenceforth to communicate only as Laymen. Some Canons indeed did not oblige them to do Publick Penance in the Church, becauſe they thought it Puniſhment enough to Degrade them: Others required them to ſubmit to that Part of Diſcipline alſo. But ſtill the Reſult and Conſequence of both was the ſame, that ſuch Perſons for ever after were only to be treated in the Quality of Laymen. Thoſe called the Apoſtolical Canons are ſometimes for the former way; for one of them [*i*] ſays, If a Biſhop, Presbyter, or Deacon is taken in Fornication, Perjury, or Theft, he ſhall be Depoſed, but not Excommunicated: For the Scripture ſaith, Thou ſhalt not Puniſh twice for the ſame Crime. I do not now ſtand to enquire whether there be any ſuch Scripture as theſe Canons refer to, but only obſerve what was the Practice of the *Greek* Church when theſe Canons were made; which is alſo taken notice of in St. *Baſil*'s [*k*] Canons, and thoſe of *Peter* of *Alexandria* [*l*], and ſome others, which ſhew it to have been the Cuſtomary Practice of their Churches. Yet for *Simony*

[*i*] Canon. Apoſt. c. 25. [*k*] Baſil. Ep. Canon. c. 3. 32, 51. [*l*] Pet. Alex. Ep. Canon. c 10. ap. Bevereg. Pandect. Tom. 2.

Simony [*m*] and ſome other [*n*] Crimes, the ſame Apoſtolical Canons order both Depoſition and Excommunication. And in the *African* Church both Puniſhments were inflicted alſo for one and the ſame Crime, in the Time of *Cyprian*, as appears from his Epiſtle [*o*] to *Cornelius*, where ſpeaking of *Novatus*, who was guilty of Murder, in cauſing his own Wife by a Blow to Miſcarry, he ſays, For this Crime he was not only to be Degraded, or Expelled the Presbytery, but to be deprived of the Communion of the Church alſo. From whence we may collect the Severity of the Ancient Canons againſt ſuch Crimes of the Clergy in general, as were committed to the flagrant Scandal of the Church.

Sect. 3. *What Crimes Puniſhed with Degradation: viz. Theft, Murder, Perjury, &c.*

Hence alſo we may obſerve in particular, what ſort of Crimes were thought worthy to be Puniſhed with Degradation, namely ſuch as Theft, Murder, Perjury, Fraud, Sacrilege, Fornication and Adultery, and ſuch like groſs and ſcandalous Offences. For in this Caſe they diſtinguiſhed between *Peccatum* and *Crimen*, little Faults and Crimes of a more heinous Nature. For St. *Auſtin* obſerves [*p*], it was not all Manner of Failings that hindered Mens Ordination at firſt; for if the Apoſtle had required that as a Qualification in Perſons to be Ordained,

[*m*] Canon. Apoſt. c. 29. [*n*] Ibid. c. 30. & 51. [*o*] Cypr. Ep. 49. al. 52. p. 97. Propter hoc ſe non de Presbyterio tantum, ſed & Communicatione prohiberi pro certo tenebat, &c. [*p*] Aug. Tract. 41. in Joh. Tom. 9. p. 126. Apoſtolus Paulus, quando elegit ordinandos vel Presbyteros vel Diaconos, & quicunque ordinandus eſt ad Præpoſituram Eccleſiæ, non ait, ſi quis ſine Peccato eſt; hoc enim ſi diceret, omnis homo reprobaretur, nullus ordinaretur; ſed ait, ſi quis ſine Crimine eſt, ſicut eſt Homicidium, Adulterium, aliqua immunditia Fornicationis, Furtum, Fraus, Sacrilegium, & cætera hujuſmodi.

that they ſhould be without Sin, all Men muſt have been rejected, and none Ordained; ſince no Man lives without Sin: But he only requires that they ſhould be Blameleſs in reſpect to Criminal and Scandalous Offences. And this was the Rule the Church obſerved in Canvaſſing the Lives of her Clergy after Ordination, when they were actually engaged in her Service. It was not every leſſer Failing or Infirmity that was Puniſhed with Degradation; but only Crimes of a deeper Die, ſuch as Theft, Murder, Fraud, Perjury, Sacrilege, Fornication and Adultery. Concerning the laſt of which, there are theſe two things farther obſervable in ſome of the ancient Canons. 1*ſt*, That if any Clergyman's Wife was convicted of Adultery, he himſelf was obliged to ſhew his Reſentment and Deteſtation of the Fact by putting her away, under Pain of Depoſition, if he continued to live with her. For ſo the Council of *Neo-Cæſarea* [*q*] words it. A Man whoſe Wife is evidently convicted of Adultery while he is a Layman, ſhall not be ordained: But if ſhe commit Adultery after his Ordination, he ought to put her away; and if he cohabit with her, he may not retain her and his Miniſtry together. The Council of *Eliberis* [*r*] is ſtill more ſevere in the Caſe, denying Communion to ſuch Perſons even at their laſt Hour, who retained Wives guilty of Adultery; becauſe, ſays the Canon, they who ought to be Examples of good Converſation to others, do by this means teach

[*q*] Conc. Neo-Cæſ. c. 8. ἐὰν μὴ τὴν γυναῖκα μοιχευθῇ, ὀφείλει ἀπολῦσαι αὐτήν. ἐὰν δὲ συζῇ, οὐ δύναται ἔχειν τὴν ἐγχειρισθεῖσαν αὐτῷ ὑπηρεσίαν. [*r*] Conc. Eliber. c. 65. Si cujus Clerici Uxor fuerit mœchata, & ſciat eam Maritus ſuus mœchari, & eam non ſtatim projecerit, nec in fine accipiat Communionem: Ne ab his qui exemplum bonæ converſationis eſſe debent, videantur Magiſteria ſcelerum procedere.

teach others the way to Sin. 2*dly*, The other thing to be obſerved is, That if a Biſhop neglected to inflict the Cenſures of the Church upon any of his Clergy, who were guilty of Fornication, he made himſelf liable to be depoſed: As *Socrates* [*s*] obſerves the *Arians* themſelves depoſed *Macedonius* Biſhop of *Conſtantinople* for this Reaſon among others, that he had admitted a Deacon to Communion, who had been taken in Fornication.

Sect. 4. *Alſo Lapſing in time of Perſecution.*

Another Crime which brought many Clerks under this kind of Eccleſiaſtical Cenſure, was that of Lapſing in time of Perſecution. In which Caſe Repentance was allowed to reſtore them to the Peace of the Church as Laymen, if they pleaſed, but not to Officiate or Communicate as Eccleſiaſticks any longer. Thus *Trophimus* was treated in the time of *Cornelius* and *Cyprian*; he was admitted [*t*] to Communicate as a Layman, but not to retain his Office of Prieſthood. And this *Cyprian* ſays [*u*], was then the Rule at *Rome* and over all the World, if Biſhops or any other Lapſed in Time of Perſecution, to admit them to do Penance in the Church, but withall to remove them from the Function of the Clergy and Honour of the Prieſthood: As the *African* Synod, in whoſe Name he writes to the *Spaniſh* Churches, determined in the Caſe of *Baſilides* and *Martial*, two *Spaniſh* Biſhops, who when they had Lapſed, thought to qualify themſelves by Repentance to retain their Biſhopricks: But this, he tells them, was contrary

[*s*] Socrat. Lib. 2. c. 42. [*t*] Cypr. Ep. 52. al. 55. ad Antonian. p. 106. Sic tamen admiſſus eſt Trophimus, ut Laicus communicet— non quaſi locum Sacerdotis uſurpet. [*u*] Id. Ep. 68. al. 67. ad Pleb. Hiſpan. p. 174. Fruſtra tales Epiſcopatum ſibi uſurpare conantur, &c.

to the Rule and Practice of the Universal Church. He repeats this in several other [*w*] Epistles, where he has occasion to speak of Persons in the same unhappy Circumstances with them. We find the same Order in the Canons of *Peter* [*x*] Bishop of *Alexandria*, and the first Council [*y*] of *Arles*, where not only such as fell by Sacrificing, or open Denyal of their Faith, but also all Traditors are included in the Number of Lapsers, that is, all such as either gave up their Bibles, or the Holy Vessels of the Church, or the Names of their Brethren to the Persecutors; and all such who were of the Clergy, are for ever excluded from the Exercise and Benefit of their Order and Function. Such was the Discipline of the ancient Church in reference to those Guides, who set their People an ill Example by their Apostacy in time of Persecution: It was not thought fit to trust them to be Guides and Leaders for the future. Though I do not deny, but that some Exceptions may be found to this general Rule, either when the Discipline of the Church was not so strict, or when it was otherwise found more for the Benefit of the Church to restore Lapsers to their Honours, than to Degrade and Remove them wholly from them. For I have noted before, that both Lapsers, and Hereticks, and Schismaticks were sometimes more favourably treated, when the Church thought she might find her Account in shewing favour to them.

But

[*w*] Cypr. Ep. 55. al. 59. ad Cornel. p. 133. It. Ep. 64. al. 65. ad Epictet. [*x*] Petr. Alex. Ep. Canon. c. 10. ὅτε ὃ ἔπταισαν, ἐκ ἔτι δύνανται λειτουργεῖν. [*y*] Conc. Arelat. 1. c. 13. De his qui Scripturas Sanctas tradidisse dicuntur, vel Vasa Dominica, vel Nomina Fratrum suorum, placuit nobis, ut quicunque eorum ex actis Publicis fuerit detectus, non verbis nudis, ab Ordine Cleri amoveatur.

Sect. 5. *And Drinking and Gaming.*

But to proceed with the Laws of the Church relating to other Miſdemeanors: As the Life of a Clergyman was a continual Attendance upon the Altar, and conſtantly to be employed in the Exerciſe of Divine and Heavenly things; ſo upon that Account the utmoſt Sobriety was required of him, together with a ſtrict Care to ſpend his Time aright, and lay it out uſefully; ſo as might beſt anſwer the Ends of his Calling, and thoſe Spiritual Employments he was daily to be ingaged in. And for this Reaſon Drinking and Gaming, thoſe two great Conſumers of Time, and Enemies of all noble Undertakings and generous Services, were ſtrictly prohibited the Clergy under the ſame Penalty of Deprivation. For ſo the Apoſtolical Canons [z] word it, a Biſhop, Presbyter or Deacon, that ſpends Time in Drinking or Playing at Dice, ſhall either Reform, or be Depoſed. Where we may obſerve this Difference between this and the former Laws, that it does not make every ſingle Act of theſe Crimes *ipſo facto* Deprivation, but only Continuance therein without Reforming. And by *Juſtinian*'s Law [a] the Penalty for playing at Tables is changed from Deprivation to a Triennial Suſpenſion, and Intruſion into a Monaſtery for the Performance of Repentance. Some perhaps will wonder at the Severity of theſe Laws in Prohibiting the Exerciſe of Tables under ſuch a Penalty: But their Wonder will ceaſe, when they are told, that it was equally prohibited to the Laity under Pain of Excommunication. For

[z] Can. Apoſt. 42. κύβοις σχολάζων ἢ μέθαις, ἢ παυσάσθω ἢ καθαιρείσθω. [a] Juſtin. Novel. 123. c. 10.

the Council of *Eliberis* [*b*] orders, that a Chriſtian Playing at Dice or Tables ſhall not be admi ted to the Holy Communion, but after a Year's Penance and Abſtinence, and his total Amendment. And there was good Reaſon for the Church to make ſuch a Law in thoſe Times, becauſe this Kind of Gaming was prohibited both by the old and new Civil [*c*] Law among the *Romans*, and many other Nations, of which the Reader may find a particular Account in our learned Biſhop *Taylor* [*d*], together with the Reaſons of the Prohibition, *viz.* The Evils that commonly attended this ſort of Play, Blaſphemies, and Swearing, and Paſſion, and Lying, and Curſing, and Covetouſneſs, and Fraud, and Quarrels, and Intemperance of all ſorts, the Conſumption of Time, and Ruin of many Families; which Exceſſes had made it Infamous and Scandalous among all Nations. So that what was ſo univerſally prohibited at that Time by the Laws of all Nations, the Church could not but in Decency prohibit it by her own Laws to the Laity, and more eſpecially to the Clergy, to prevent Scandal, and obviate thoſe Objections, which might otherwiſe have juſtly been raiſed againſt her. Not that the thing was ſimply Unlawful in it ſelf, when uſed only as an Innocent Recreation; but the many evil Appendages that commonly attended the Uſe of it, had made it Scandalous, and conſequently Inexpedient; and the ſpending of Time upon it did much alter the Nature of it, and make it ſo much the more Unlawful.

Another

[*b*] Conc. Eliber. c. 79. Si quis Fidelis alea, id eſt, Tabula luſerit, placuit eum abſtinere: Et ſi emendatus ceſſaverit, poterit poſt annum Communione reconciliari. [*c*] Digeſt. Lib. 11. Tit. 5. de Aleator. It. Cod. Juſtin. Lib. 3. Tit. 43. de Aleator. [*d*] Taylor Duct. Dubitant. Lib. 4. c. 1. p. 776.

Sect. 6.
And Negotiating upon Uſury. The Nature of this Crime enquired into.

Another Crime for which a Clergyman was liable to be depoſed, was the taking of Uſury, which by the ancient Canons is frequently condemned as a Species of Covetouſneſs and Cruelty, and upon that Score ſo ſtrictly prohibited to the Clergy, who were rather to ſtudy to excell in the Practice of the contrary Vertues, Charity, Mercifulneſs, and Contempt of the World and all filthy Lucre. The Laws condemning this Vice are too many to be here tranſcribed: It will be ſufficient to repeat the Canon of the Council of *Nice*, which contains the Sum, and ſpeaks the Senſe of all the reſt. Now the Words of that Canon are theſe: Foraſmuch [*e*] as many Clerks following Covetouſneſs and filthy Lucre, and forgetting the Holy Scriptures (which ſpeak of the Righteous Man as one that hath not given his Money upon Uſury) have let forth their Money upon Uſury, and taken the uſual Monthly Increaſe: It ſeemed good to this great and Holy Synod, that if any one after this Decree ſhall be found to take Uſury, or demand the Principal with half the Increaſe of the Whole, or ſhall invent any other ſuch Methods for filthy Lucres ſake, he ſhall be degraded from his Order, and have his Name ſtruck out of the Roll of the Church. The Reader will find the ſame Practice cenſured by thoſe called the Apoſtolical Canons [*f*], the Council of *Eliberis* [*g*], the firſt and ſecond of *Arles* [*h*], the firſt and third of *Carthage* [*i*], the Council of *Laodicea* [*k*], and *Trullo*,

[*e*] Conc. Nic. c. 17. [*f*] Can. Apoſt. c. 44. [*g*] Conc. Eliber. c. 20. [*h*] Conc. Arelat. 1. c. 12. Arelat. 2. c. 14. [*i*] Conc. Carthag. 1. c. 13. Carthag. 3. c. 16. [*k*] Conc. Laodic. c. 5.

lo [*l*], not to mention private Writers, *Cyprian* [*m*], *Sidonius Apollinarius* [*n*], St. *Jerom* [*o*], and many others. Nor need this ſeem ſtrange to any one, that Uſury ſhould be ſo generally condemned in the Clergy; ſince it is apparent, that the Practice of it was no leſs diſallowed in the Laity: For the firſt Council of *Carthage* [*p*] condemns it in them both, but only makes it a more aggravating Crime in the Clergy. The Council of *Eliberis* alſo [*q*] that orders Clergymen to be degraded for it, makes it an high Miſdemeanor in Laymen; which, if they perſiſted in the Practice of it after Admonition, was to be puniſhed with Excommunication. We are here therefore in the next Place to enquire into the Nature of this Practice, and the Grounds and Reaſons upon which it was ſo generally condemned both in Clergymen and Laymen. As to the Nature of the thing, we are to obſerve that among the ancient *Romans* there were ſeveral ſorts or Degrees of Uſury. The moſt Common was that which they called *Centeſimæ*: The Council of *Nice* calls it [*r*] ἑκατοσταὶ, and the Council of *Trullo* [*s*] uſes the ſame Word, which ſignifies the Hundredth Part of the Principal paid every Month, and anſwers to Twelve in the Hundred by the Year. For the *Romans* received Uſury by the Month, that is, at the Kalends or firſt Day of every Month. Whence St. *Baſil* [*t*] calls the Months the Parents of Uſury. And

[*l*] Conc. Trull. c. 10. [*m*] Cypr. de Lapſis, p. 124. [*n*] Sidon. Lib. 1. Ep. 8. [*o*] Hieron. in Ezek. cap. 18. [*p*] Conc. Carth. 1. c. 13. Quod in Laicis reprehenditur, id multo magis in Clericis oportet prædamnari. [*q*] Conc. Eliber. c. 20. Si quis etiam Laicus accepiſſe probatur Uſuras — ſi in ea iniquitate duraverit, ab Eccleſia ſciat ſe eſſe projicendum. Vid. Chryſoſt. Hom. 56. in Mat. [*r*] Conc. Nic. c. 17. [*s*] Conc. Trull. c. 10. Chryſoſt. Hom. 56. in Mat. [*t*] Baſil. in Pſalm. 14. T. 3. p. 137. φοβεῖται τὰς μῆνας ὡς τίκτων πάλεως.

And St. *Ambroſe* [*u*] ſays, the *Greeks* gave Uſury the Name of τόκος upon this Account, becauſe the Kalends bring forth one in the Hundred, and every Month begets new Uſury. And hence, as the Poet [*w*] acquaints us, it became a Proverb among the *Romans*, to ſay, *a Man trembles like a Debtor, when the Kalends are a coming:* Becauſe that was the Time of paying Intereſt. Now this ſort of Uſury is generally proſcribed by the Laws of the Church, becauſe it was eſteemed great Oppreſſion. Though the Civil Law allowed the Practice of it: For *Conſtantine An.* 325. the ſame Year that the Council of *Nice* was held, publiſhed a Law, ſtating the Rules and Meaſures of Uſury, wherein [*x*] the Creditor is allowed to take this Centeſimal Uſury, or one in the Hundred every Month, and no more. For it ſeems the Old *Roman* Laws granted a greater Liberty before this Regulation of *Conſtantine*. Afterward a new Regulation was made, and it was only allowed in ſome certain Caſes, as where the Creditor ſeemed to run ſome Hazard, as appears from the Laws of *Juſtinian* [*y*], where he ſettles the Buſineſs of Intereſt and Uſury in his Code. For in Trajectitious Contracts, as the Law terms them, that is, when a Creditor lent Money, ſuppoſe at *Rome*, to

[*u*] Ambr. de Tobia c. 12. τόκος Græci appellaverunt Uſuras, eo quod dolores partus animæ Debitoris excitare videantur. Veniunt Kalendæ, parit ſors Centeſimam. Veniunt Menſes ſinguli, generantur Uſuræ. [*w*] Horat. Lib. 1. Sat. 3. Odiſti & fugis, ut Druſonem debitor æris — quum triſtes miſero venere Kalendæ. [*x*] Cod. Th. Lib. 2. Tit. 33. de Uſuris. Leg. 1. Pro pecunia ultra ſingulas Centeſimas Creditor vetatur accipere. [*y*] Cod. Juſt. Lib. 4. Tit. 32. de Uſuris Leg. 26. In trajectitiis autem Contractibus, vel ſpecierum fœnori dationibus, uſque ad Centeſimam tantummodo licere ſtipulari, nec eam excedere, licet veteribus Legibus hoc erat conceſſum.

to receive Intereſt for it only upon Condition of the Debtor's Safe Arrival with it at *Conſtantinople*: Becauſe in that Caſe the Creditor ran a great Hazard, he was allowed to receive a Centeſimal Intereſt upon that Account. *2dly*, Another ſort of Uſury was that which the Canons call ἡμιολίαι or *Seſcuplum*, the whole and half as much more. St. *Jerom* takes notice [z] of this kind of Uſury, and condemns it. For Men, he ſays, were uſed to exact Uſury for the Loan of Corn, Wine, Oyl, Millet, and other Fruits of the Ground; lending ten Buſhels in Winter, on Condition to receive fifteen in Harveſt, that is, the whole and half as much more. Which ſort of Uſury, being a very grievous Extortion and great Oppreſſion, is condemned not only in the Clergy by the Councils of *Nice* [a] and *Laodicea* [b], under the Name of ἡμιολίαι; but alſo in Laymen by the Law of *Juſtinian* [c], which allows nothing above Centeſimal Intereſt to be taken by any Perſon in any Caſe whatſoever. Though *Juſtinian* intimates that formerly the Laws allowed it. And it is evident from the Law of *Conſtantine* ſtill extant in the *Theodoſian* Code, which determined, That if any Creditor lent to the Indigent any Fruits [d] of the Earth, whether Wet or Dry, he might demand again the Principal, and half as much more by way of Uſury: As if he lent two Buſhels, he might require Three. *3dly*, Another ſort of Uſury is called

[z] Hieron. Com. in Ezek. 18. p. 537. Solent in Agris frumenti & Milij, Vini & Olei, cæterarumque Specierum Uſuræ exigi.— Verbi gratia, ut hyemis tempore demus decem modios, & in meſſe recipiamus quindecim, hoc eſt, amplius partem mediam. [a] Conc. Nic. c. 17. [b] Conc. Laod. c. 6. [c] Cod. Juſt. ubi ſupra. It. Novel. 32, 33, 34. [d] Cod. Th. Lib. 2. Tit. 33. Leg. 1. Quicunque fruges, aridas vel humidas, indigentibus mutuas dederint, Uſuræ nomine tertiam partem ſuperfluam conſequantur: Id eſt, ut ſi ſumma crediti in duobus Modiis fuerit, tertium modium amplius conſequantur.

ed by the Civil Law, *Beſſis Centeſimæ*, which is two Thirds of Centeſimal Intereſt, and the ſame as eight in the Hundred. And this the Law allowed Maſters [*e*] of Workhouſes and other Tradeſmen to take in their Negotiations with others. *4thly*, all other Perſons were only allowed to receive half the Centeſimal Intereſt by the ſame Law of *Juſtinian* [*f*]: Which is the ſame as ſix in the Hundred. *5thly*, Perſons of Quality were bound to take no more but a third Part of the *Centeſima* [*g*], which is only four in the Hundred. *6thly*, and Laſtly, Intereſt upon Intereſt was abſolutely forbidden [*h*] by the *Roman* Laws to all Perſons in any Caſe whatſoever, as is evident from an Edict of *Juſtinian*'s, which both mentions and confirms the ancient Prohibition of it by the Laws of the Emperours that were before him. So that ſeveral of theſe kinds of Uſury being prohibited to the Laity in general by the Laws of the State, it was no Wonder that they ſhould be more ſeverely forbidden to the Clergy by the Laws of the Church. Then for the other ſorts of Uſury, which the State allowed, the Church had two Reaſons for Diſcouraging the Practice of them in the Clergy. *1ſt*, Becauſe Uſury was moſt commonly exacted of the Poor, which the Church reckoned an Oppreſſion of them, who were rather to

[*e*] Cod. Juſt. Lib. 4. Tit. 32. de Uſuris. Leg. 26. Illos, qui Ergaſteriis præſunt vel aliquam licitam negotiationem gerunt, uſque ad Beſſem Centeſimæ, Uſurarum nomine, in quocunque contractu ſuam ſtipulationem moderari. [*f*] Cod. Juſt. ibid. Cæteros omnes homines Dimidiam tantummodo Centeſimæ Uſurarum nomine poſſe ſtipulari. [*g*] Ibid. jubemus Illuſtribus quidem Perſonis, ſive eas præcedentibus, minime licere ultra Tertiam partem Centeſimæ in quocunque contractu ſtipulari. [*h*] Cod. Juſt. Lib. 4. Tit. 32. Leg. 28. Ut nullo modo Uſuræ Uſurarum a Debitoribus exigantur, veteribus quidem Legibus conſtitutum fuerat, &c.

to be relieved by the Charity of Lending without Uſury, as the Goſpel requires. 2*dly*, The Clergy could not take Uſury of the Rich and Trading Part of the World, but that muſt needs engage them in Secular Buſineſs and Worldly Concerns, more than the Wiſdom of the Church in thoſe Times thought fit to allow. And this I take to be the true State of the Caſe, and the Sum of the Reaſons for prohibiting the Clergy the Practice of Uſury in the Primitive Church. Uſury was generally a great Oppreſſion to the Poor, as the ancient Writers who ſpeak againſt it, [*i*] commonly complain: Or elſe it was thought to argue, and proceed from, a Covetous and Worldly Mind; which made Men forſake their proper Employment, and betake themſelves to other Buſineſs, which was beſide their Calling, and could not then be followed without ſome Reproach and Diſhonour to it. Therefore *Cyprian* ſpeaking of ſome Biſhops, who were the Reproach of his Age, in enumerating their Miſcarriages, joins all theſe things together; That they who ought to have been Examples and Encouragers to the reſt, had caſt off the Care of Divine Service [*k*] to manage Secular Affairs; and leaving their Sees, and deſerting their People, they rambled into other Provinces, to catch at Buſineſs that would bring them in Gain: Mean while the poor Brethren of the Chnrch were ſuffered to ſtarve without

[*i*] Vide Chryſoſt. Hom. 56. in Mat. Baſil. Hom. in Pſalm. 14. p. 136, &c. [*k*] Cypr. de Lapſis. p. 123. Epiſcopi plurimi quos & Hortamento eſſe oportet cæteris & Exemplo, Divina Procuratione contempta, Procuratores rerum ſæcularium fieri, derelicta Cathedra, Plebe deſerta, per alienas Provincias oberrantes, negotiationis quæſtuoſæ nundinas aucupari, eſurientibus in Eccleſia fratribus non ſubvenire, habere Argentum largiter velle, fundos inſidioſis fraudibus rapere, Uſuris multiplicantibus fœnus augere.

without Relief, whilſt their Minds were ſet upon hoarding up ſilver in abundance, and getting Eſtates by fraudulent Arts, and exerciſing Uſury to augment their own Treaſures. When Uſury was ordinarily attended with ſuch Concomitants as theſe, it was no wonder it ſhould be utterly proſcribed by the Holy Fathers of the Church. Beſides St. *Chryſoſtom* [*l*] plainly intimates, that in his Time all Senators and Perſons of Quality were abſolutely forbidden to take Uſury by the Laws of the Common-wealth. And that conſideration probably ſo much the more inclined the Fathers of the Church to forbid it to the Clergy, leſt they ſhould ſeem to be out-done by Men of a ſecular Life; and it might be objected to them, that the Laws of the Church in this reſpect were more remiſs than the Laws of the State.

Sect. 7. *Of the Hoſpitality of the Clergy.*

Indeed the Neceſſities of the Poor and Fatherleſs, and Strangers and Widows in thoſe early Times, were ſo importunate and craving in every Church, that their Revenues would ſeldom anſwer all their Demands. The Church, as St. *Auſtin* ſays [*m*], had very rarely any thing to lay up in Bank. And then it did not become a Biſhop to hoard up Gold, and turn away the Poor empty for him. They had daily ſo many Poor Petitioners, ſo

[*l*] Chryſ. Hom. 56. in Mat. τοὺ γᾶν ἐν ἀξιώμασιν ὄνλας, καὶ εἰς τὴν μεγάλην τελῶνλας ἐξελὴν, ἣν σύγκληλον καλῶσιν, ἃ δῆμις τοιάτοις κέρδεσιν καταιγύεδε. Honorius *an.* 397. *publiſhed a Law which implies the ſame* Cod. Theod. Lib. 2. Tit. 33. de Uſuris Leg. 3. *though by a following Law an.* 405. *he allowed Senators half the Centeſimal Intereſt.* [*m*] Aug. Serm. 49. de Diverſis ſive de Vita Clericor. T. 10. p. 520. Enthecam nobis habere non licet. Non enim eſt Epiſcopi ſervare aurum, & revocare à ſe mendicantis manum. Quotidie tam multi petunt, tam multi gemunt, tam multi nos inopes interpellant; ut plures triſtes relinquamus, quia quod poſſimus dare omnibus, non habemus.

ſo many in Diſtreſs and Want continually applying to them; that they were forced to leave ſome in their Sorrows, becauſe they had not wherewith to relieve them all. Now in this Caſe, where there was need of greater Charities, than they had Funds or Abilities to beſtow, there could be no room for Uſury, but with great Neglect and Uncharitableneſs to the Poor. And therefore inſtead of Lending upon Uſury, they were obliged to be Exemplary in the Practice of the contrary Vertues, Hoſpitality and Charity; which the ancients call Lending upon Divine Uſury, not to receive [*n*] One in the Hundred, but an Hundred for One from the hands of GOD. It was then one of the Glories of a Biſhop, St. *Jerom* tells us [*o*], to be a Provedore for the Poor; but a Diſgrace to the Holy Function, to ſeek only to enrich himſelf. And therefore he gives this Direction to *Nepotian*, among other good Rules which he preſcribes him, That his Table ſhould be free to the Poor and Strangers, that with them he might have Chriſt for his Gueſt. St. *Chryſoſtom* ſpeaks nobly [*p*] of his Biſhop *Flavian* upon the account of this Virtue: He ſays, his Houſe was always open to Strangers, and ſuch as were forced to fly for the ſake of Religion; where they were received and entertained with that Freedom and Humanity, that his Houſe might as properly be called, The Houſe of Strangers, as the Houſe of *Flavian*. Yea it was ſo much the more his own, for being Common to Strangers; for whatever we poſſeſs, is ſo much the more our Property for being Com-

[*n*] Pet. Chryſolog. Serm. 25. p. 269. Uſura mundi centum ad unum, Deus unum accipit ad centum. Vid. Chryſoſt. Hom. 56. in Mat. 17. p. 507. ed. Commelin. [*o*] Hieron. Ep. 2. ad Nepotian. Gloria Epiſcopi eſt pauperum opibus providere: Ignominia omnium ſacerdotum eſt propriis ſtudere Divitiis. [*p*] Chryſ. Ser. 1. in Gen. Tom. 2. p. 886. ed. Front. Ducæi.

Communicated to our poor Brethren: There being no place where we may ſo ſafely lay up our Treaſure, as in the Hands and Bellies of the Poor.

Sect. 8. *Of their Frugality and Contempt of the World.*

Now the better to qualifie them to perform this Duty, every Clergyman was required to lead a Frugal Life; that is, to avoid Profuſeneſs, as well in their own Private Concerns, as in giving great Entertainments to the Rich; which is but a falſe-named Hoſpitality, and a great Uſurper upon the Rights and Revenues of the Poor. We may judge of the ſimplicity of thoſe Times by the Character which *Ammianus Marcellinus* the Heathen Hiſtorian [q] gives of the *Italian* Biſhops, as 'tis probable, from his own Obſervation: He ſays, their ſpare Diet, and frugal way of Living, their cheap Clothing and grave Deportment, did recommend them to GOD and his true Worſhippers, as Perſons of Pure and Modeſt Souls. This made thoſe Country-Biſhops more Honourable, in his Opinion, than if they had Lived in the Riches, and State and Splendor of the Biſhops of *Rome*. By a Canon of the 4th Council of *Carthage*[r] all the *African* Biſhops were obliged to Live after this manner; not to affect Rich Furniture, or Sumptuous Entertainments, or a ſplendid way of Living, but to ſeek to advance the Dignity and Authority of their Order by their Faith and Holy Living. Some indeed were for that other ſort of Hoſpitality, for Entertaining the Rich, and eſpecially the Magiſtrates, on pretence

[q] Ammian. Lib. 27. p. 458. Antiſtites quoſdam Provinciales tenuitas edendi potandique parciſſime, vilitas etiam indumentorum, & ſupercilia humum ſpectantia, perpetuo Numini eriſque ejus Cultoribus, ut puros commendant & verecundos.

[r] Conc. Carth. 4. c. 15. Ut Epiſcopus vilem ſupellectilem & Menſam ac victum pauperem habeat, & Dignitatis ſuæ uctoritatem Fide & Meritis vitæ quærat.

tence that they might keep an Intereſt in them, and be able to intercede with them for Poor Criminals when they were Condemned. But St. *Jerom* particularly conſiders and anſwers this Pretence in his Inſtructions to *Nepotian*. You muſt avoid, ſays he [*s*], giving great Entertainments to ſecular Men, and eſpecially thoſe that are in great Offices. For 'tis not very Reputable to have the Lictors and Guards of a Conſul ſtand waiting at the doors of a Prieſt of Chriſt, who himſelf was Crucified and Poor; nor that the judge of a Province ſhould Dine more Sumptuouſly with you, than in the Palace. If it be pretended, that you do this only to be able to intercede with him for Poor Criminals; there is no Judge but will pay a greater Deference and Reſpect to a Frugal Clergyman, than a Rich one, and ſhew greater Reverence to your Sanctity, than your Riches. Or if he be ſuch an one, as will not hear a Clergyman's Interceſſions but only among his Cups, I ſhould freely be without this Benefit, and rather beſeech Chriſt for the judge himſelf, who can more ſpeedily and powerfully help than any Judge. St. *Jerom* in the ſame place [*t*] adviſes his Clerk not to be over free in receiving other Mens Entertainments neither. For the Laity, ſays he, ſhould rather find us to be Comforters in their Mournings, than Companions in their Feaſts. That Clerk will quickly be contemned, that never refuſes any Entertainments, when he is frequently invited to them. Such were the ordinary Rules and Directions given by the Ancients for Regulating the Hoſpitality and Frugality of the Clergy. But many Biſhops and others far exceeded theſe Rules in Tranſcendent Heights of Abſtinence, and Acts of Self-denyal, freely choſen and impoſed upon

[*s*] Hieron. Ep. 2. ad Nepotian. [*t*] Ibid. Facile contemnitur Clericus, qui ſæpe vocatus ad prandium, ire non recuſat.

upon themſelves, that they might have greater Plenty and Superfluities to beſtow upon others. *Gregory Nazianzen* [*u*] gives us this Account of St. *Baſil*, that his Riches was to poſſeſs nothing; to live content with that little which Nature requires; to deſpiſe Delicacies and Pleaſures, and ſet himſelf above the Slavery of that cruel and ſordid Tyrant the Belly: His moſt delicious and conſtant Food was Bread and Salt and Water; his Clothing but one Coat and one Gown; his Lodging upon the Ground; not for Want of better Accommodations; for he was Metropolitan of *Cæſarea*, and had conſiderable Revenues belonging to his Church; but he ſubmitted to this way of Living in Imitation of his Saviour, who became Poor for our ſakes, that we through his Poverty might be made Rich. And therefore both the ſame Author [*w*], and the Church-Hiſtorians alſo [*x*] tell us, that when in the Time of the *Arian* Perſecution under *Valens* he was threatned by one of the Emperor's Agents, that unleſs he would comply, he ſhould have all his Goods confiſcated; his Anſwer was, That no ſuch Puniſhment could reach him, for he was poſſeſs'd of nothing, unleſs the Emperor wanted his thread-bare Clothes, or a few Books, which was all the Subſtance he was Maſter of. St. *Jerom* gives the like Character of *Exuperius* Biſhop of *Tholouſe*, who made other Mens Wants always his own; and like the Widow of *Sarepta*, pinched and denyed himſelf to feed the Poor, beſtowing all his Subſtance upon the Bowels of Chriſt. Nay, ſuch was his Frugality, that he Miniſtred the Body of Chriſt in a Basket of Oſiers, and the Blood in a Glaſs Cup: But nothing, ſays

[*u*] Naz. Orat. 20. de Laud. Baſil. p. 357. [*w*] Naz. Ibid. p. 349. [*x*] Sozom. Lib. 6. c. 16.

our Author [y], could be more Rich or Glorious, than ſuch a Poverty as this. It were eaſy to give a Thouſand Inſtances of the ſame Nature in the *Cyprians*, the *Auſtins*, the *Nazianzens*, the *Paulinus's*, and other ſuch like Generous Spirits of the Age they lived in; who contemned the World with greater Pleaſure, than others could admire or enjoy it. But as ſuch Heights of Heroick Vertues exceeded the Common Rule, they are not propoſed as the ſtrict Meaſures of every Man's Duty, but only to excite the Zeal of the Forward and the Good. It may be ſaid of this, as our Saviour ſaid of a Parallel Caſe, *All Men cannot receive this Saying, ſave they to whom it is given; but he that is able to receive it, let him receive it.*

Sect. 9.
Whether the Clergy were anciently obliged by any Law to part with their Temporal Poſſeſſions.

Some indeed would fain turn this Prudential Advice into a Law, and attempt to prove that anciently the Clergy were under an Obligation to quit their Temporal Poſſeſſions, when they betook themſelves to the Service of the Church. But this is to out-face the Sun at Noon-day. For as there is no juſt Ground for this Aſſertion, ſo there are the plaineſt Evidences to the contrary. Among thoſe called the the Apoſtolical Canons [z], there is one to this purpoſe: Let the Goods of the Biſhop, if he has any of his own, be kept diſtinct from thoſe of the Church; that when he dies he may have Power to diſpoſe of them to whom he pleaſes, and as he pleaſes; and not receive damage in his Private Effects upon Pretence that they were the

[y] Hieron. Ep. 4. ad Ruſtic. Nihil illo ditius, qui Corpus Domini caniſtro vimineo, ſanguinem portat in vitro. [z] Can. Apoſt. c. 40. ἔσω φανερὰ τὰ ἴδια τῦ ἐπισκόπυ πράγματα (εἰ γε ἴδια ἔχει) καὶ φανερὰ τὰ κυριακά, &c.

the Goods of the Church. For perhaps he has a Wife, or Children, or Relations, or Servants: And it is but Juſt both before GOD and Man, that neither the Church ſhould Suffer for want of knowing what belonged to the Biſhop, nor the Biſhop's Relations be damaged by the Church, or come into Trouble upon that Account, which would be to the Scandal and Reproach of the Deceaſed Biſhop. Many other Canons both of the *Greek* and *Latin* Church [*a*] are to the ſame Effect. Nor can it be pretended, that this is to be underſtood only of ſuch Eſtates as they got in the Service of the Church. For St. *Ambroſe* plainly intimates, that the Law left the Clergy in the full Poſſeſſion of their Patrimony, or Temporal Eſtates, which they had before. For he brings in ſome Malecontents among the Clergy thus complaining: What advantage [*b*] is it to me to be of the Clergy, to ſuffer Injuries, and undergo hard Labour, as if my own Eſtate would not maintain me? This implies, that Men of Eſtates were then among the Clergy. And indeed there was but one Caſe, in which any Clerk could be compelled to quit his Poſſeſſions, and that was when his Eſtate was Originally tied to the Service of the Empire, of which I have given a full Account before. In all other Caſes it was matter of free Choice, and left to his Liberty, whether he would diſpoſe of his Eſtate to any Pious Uſe or not. Only if he did not, it was expected he ſhould be more Generous in his Charities, and leſs burdenſome to the Church, his needs being ſupplied another way. Though neither

[*a*] Conc. Antioch. c. 24. Conc. Agathen. c. 48. Conc. Carth. 3. c. 49. [*b*] Ambr. Ep. 17. Quid mihi prodeſt in Clero manere, ſubire injurias, labores perpeti, quaſi non poſſit ager meus me paſcere.

was this forced upon him by any Law, but only urged upon Reaſons of Charity [*c*]; leaving him Judge of his own Neceſſities, and not forbidding him to have his Dividend in the Church, if in his own Prudence he thought fit to require it. *Socrates* [*d*] commends *Chryſanthus* a *Novatian* Biſhop upon this Account, that having an Eſtate of his own, he never took any thing of the Church, ſave two Loaves of the *Eulogiæ*, or Offerings on Sunday; though he does not once intimate, that there was any Law to compel him to do ſo. As neither does *Proſper*, who ſpeaks moſt of any other againſt Rich Mens taking their Portion in the Charities of the Church. He reckons it indeed [*e*] a Diſhonourable Act, and a Sin in them, becauſe it was to deprive others of the Churches Charity, who ſtood more in need of it: And he thinks, though a Rich Clergyman might keep his own Eſtate without Sin, becauſe there was no Law but the Law of Perfection to oblige him to renounce it; yet it muſt be upon Condition that he required none of the Maintenance of the Church [*f*]: But he only delivers this as his own Private Opinion, and does not ſignify that there was then any ſuch ſtanding Law in the Church. In *Africk* they had a peculiar Law againſt Covetouſneſs in the Time of St. *Auſtin*, which was, That if any Biſhop, Presbyter, or Deacon, or any other Clerk, who had no Eſtate when

[*c*] Vide Can. Apoſt. c. 41. Conc. Antioch. c. 25. [*d*] Socrat. Lib. 7. c. 12. [*e*] Proſper. de Vit. Contempl. Lib. 2. c. 12. Noverint eſſe deformius, Poſſeſſores de Eleemoſynis pauperum paſci. [*f*] Ibid. Illi qui tam infirmi ſunt, ut Poſſeſſionibus ſuis renunciare non poſſint; ſi ea quæ accepturi erant, Diſpenſatori relinquant, nihil habentibus conferenda, ſine peccato poſſident ſua.

when they were ordained, did afterward [g] purchaſe Lands in their own Name, they ſhould be impleaded as guilty of invading the Lord's Revenue, unleſs upon Admonition they conferred the ſame upon the Church. For in thoſe times the Church-Revenues being ſmall, no ones Dividend was more than a competent Maintenance: And therefore it was preſumed, that he who could purchaſe Lands in ſuch Circumſtances, muſt have been ſome way Injurious to the Publick Revenues of the Church. But in the ſame Law it was provided, that if any Eſtate was left them by Donation or Inheritance, they might diſpoſe of it as they pleaſed themſelves: For the Church made no Rules, but only gave her Advice, in ſuch Caſes as theſe; exhorting her Wealthy Clergy to greater Degrees of Liberality, but not demanding their Eſtates to have them at her own Diſpoſal. On the other hand, when Clergymen, who had no viſible Eſtates of their own, and were ſingle Men, and had no poor Families to provide for, were buſily intent upon growing Rich out of the Revenues of the Church: This was always eſteemed a Scandalous Covetouſneſs, and accordingly proſecuted with ſharp Invectives by St. *Jerom* [h] and others of the ancient Writers. So much of the Laws of Charity, which concerned the ancient Clergy.

[g] Conc. Carthag. 3. c. 49. Placuit, ut Epiſcopi, Presbyteri, Diaconi, vel quicunque Clerici, qui nihil habentes ordinantur, & tempore Epiſcopatus vel Clericatus ſui, agros vel quæcunque prædia nomine ſuo comparant, tanquam rerum Divinarum Invaſionis crimine teneantur obnoxij, niſi admoniti Eccleſiæ eadem ipſa contulerint. [h] Hieron. Ep. 2. ad Nepotian. Nonnulli ſunt ditiores Monachi, quam fuerant Sæculares: Et Clerici qui poſſideant opes ſub Chriſto paupere, quas ſub loculplete & fallace Diabolo non habuerant: Ut ſuſpiret eos Eccleſia Divites, quos mundus tenuit ante Mendicos.

Sect. 10.
Of their great Care to be Inoffenſive with their Tongues.

I might here give a Character of their Meekneſs, Modeſty, Gravity, Humility, and ſeveral other Vertues, which *Nazianzen* deſcribes in the Perſon of his own Father: But I ſhall but take Notice of two things more which concerned the Conduct of their Lives, and thoſe are the Laws relating firſt to their Words, and ſecondly to their Fame and Reputation. For their Words, they who were to teach others the moſt difficult part of Human Conduct, the Government of the Tongue, were highly concerned to be Examples to the People as well in Word as Action. And to this Purpoſe the Laws were very ſevere againſt all manner of Licentious Diſcourſe in their Converſation. The 4th Council of *Carthage* has three Canons together upon this Head; one of which [*i*] forbids Scurrility, and Buffoonery, or that fooliſh Talking and Jeſting with Obſcenity, which the Apoſtle calls, Βωμολοχία, under the Penalty of Deprivation. Another threatens [*k*] ſuch with Excommunication, as uſe to Swear by the Name of any Creature. And a third Canon [*l*] menaces the ſame Puniſhment to ſuch as ſing at any Publick Entertainments. St. *Jerom* particularly cautions his Clerk againſt Detraction, becauſe of the Temptation he may lie under either to commit the Sin himſelf, or give way to it in others, by Hearkning to and Reporting falſe Suggeſtions after them; which is much the ſame thing: For no Slanderer

[*i*] Conc. Carth. 4. c. 60. Clericum Scurrilem, & verbis turpibus joculatorem, ab Officio detrahendum. [*k*] Ibid. c. 61. Clericum per Creaturas jurantem acerrime objurgandum. Si perſtiterit in vitio, excommunicandum. [*l*] Ibid. c. 62. Clericum inter Epulas cantantem ſupradictæ ſententiæ ſeveritate coercendum.

Slanderer tells his Story to one [*m*] that is not willing to hear him. An Arrow, ſays he, never fixes upon a Stone, but often recoils back, and wounds him that ſhoots it. Therefore let the Detracter learn to be leſs forward and buſie, by your Unwillingneſs to hear his Detraction. St. *Chryſoſtom* [*n*] takes notice of this Vice, as moſt incident to Inferiors, whom Envy and Emulation too often prompt to detract from the Authority and Vertues of their Biſhop; eſpecially when they are grown Popular and admired for their own Eloquent Preaching; then if they be of a bold and arrogant and vain-glorious Temper, their Buſineſs is to deride him in private, and detract from his Authority, and make themſelves every thing by leſſening his juſt Character and Power. Upon this Hint our Author alſo takes occaſion to ſhew, what an extraordinary Courage and Spirit, and how Divine and Even a Temper a Biſhop ought to have, that by ſuch Temptations, and a thouſand others of the like Nature, he be not overwhelmed either with Anger or Envy on the one Hand, or inſuperable Sorrow and Dejection of Mind on the other. St. *Jerom* recommends another Vertue of the Tongue to his Clerk, which is of great Uſe in Converſation; and that is the keeping of Secrets, and knowing when to be ſilent, eſpecially about the Affairs of great Men. Your Office, ſays he, requires you to viſit the Sick, and thereby you [*o*] become acquainted with the Families of Matrons and their Children, and are entruſted with the Secrets of Noble Men. You ought therefore to keep not only a chaſte Eye,

[*m*] Hieron. Ep. 2. ad Nepot. Neque vero illa juſta eſt Excuſatio, Referentibus aliis, injuriam facere non poſſum. Nemo invito auditori libenter refert, &c. [*n*] Chryſ. de Sacerd. Lib. 5. c. 8. [*o*] Hieron. Ep. 2. ad Nepotian.

but alſo a chaſt Tongue. And as it is not your Buſineſs to be talking of the Beauties of Women; ſo neither to let one Houſe know from you what was done in another. For if *Hippocrates* adjured his Diſciples before he taught them, and made them take an Oath of Silence; if he formed them in their Diſcourſe, their Gate, their Meekneſs and Modeſty, their Habit, and their whole Morals; how much more ought we, who have the Care of Souls committed to us, to love the Houſes of all Chriſtians as if they were our own? He means, that the Clergy ſhould be formed to the Art of Silence, as carefully as *Hippocrates* taught his Scholars; that the Peace and Unity of Chriſtian Families might not be diſturbed or diſcompoſed by Revealing the Secrets of one to another; which it is certain no one will do, that has the Property which St. *Jerom* requires of Loving every Chriſtian Family as his own.

Sect. 11.
Of their Care to guard againſt Suſpicion of Evil.

2*dly*, As they were thus taught to be Inoffenſive both in Word and Deed, and thereby ſecure a good Name and Reputation among Men; which was neceſſary for the due Exerciſe of their Function: So becauſe it was poſſible their Credit might be impaired not only by the Commiſſion of Real Evil, but by the very Appearance and Suſpicion of it; the Laws of the Church upon this Account were very exact in requiring them to ſet a Guard upon their whole Deportment, and avoid all ſuſpicious Actions, that might give the leaſt Umbrage or Handle to an Adverſary to reproach them. It was not enough in this Caſe that a Man kept a good Conſcience in the Sight of GOD, but he muſt provide or forecaſt for honeſt things in the Sight of Men. And this was the more difficult, becauſe Men are apt to be Querulous

Querulous againſt the Clergy, as St. *Chryſoſtom* obſerves, ſome through Weakneſs and Imprudence, others through Malice, eaſily raiſing Complaints and Accuſations without any juſt Ground, and difficultly hearkening to any Reaſons or Apologies that they can offer in their own Defence. But the more Querulous and Suſpicious Men are, the more watchful it becomes the Clergy to be againſt unjuſt Surmiſes, that they may cut off Occaſion from them that deſire Occaſion to accuſe or reproach them. To this End they are to uſe the utmoſt Diligence and Precaution to guard againſt the ill Opinions of Men, by avoiding all Actions that are of a doubtful and ſuſpicious Nature. For, ſays St. *Chryſoſtom* [p], if the holy Apoſtle St. *Paul* was afraid leſt he ſhould have been ſuſpected of Theft by the *Corinthians*; and upon that Account took others into the Adminiſtration of their Charity with himſelf, that no one might have the leaſt Pretence to blame him; how much more careful ſhould we be to cut off all Occaſions of ſiniſter Opinions and Suſpicions, however falſe or unreaſonable they may be, or diſagreeable to our Character? For none of us can be ſo far removed from any Sin, as St. *Paul* was from Theft: Yet he did not think fit to contemn the Suſpicions of the Vulgar: He did not truſt to the Reputation, which both his Miracles and the Integrity of his Life had generally gained him: But, on the contrary, he imagined ſuch Suſpicions and Jealouſies might ariſe in the Hearts of ſome Men, and therefore he took care to prevent them; not ſuffering them to ariſe at all, but timely foreſeeing, and prudently foreſtalling them: Providing, as he ſays, for honeſt things not only in the Sight of

[p] Chryſ. de Sacerd. Lib. 6. c. 9.

of GOD, but also in the Sight of Men. The same Care and much greater should we take, not only to dissipate and destroy the ill Opinions Men may have entertained of us, but to foresee afar off from what Causes they may spring, and to cut off beforehand the very Occasions and Pretences from whence they may grow: Which is much easier to be done, than to extinguish them when they are risen, which will then be very difficult, perhaps impossible: Besides that their being raised will give great Scandal and Offence, and wound the Consciences of many. Thus the holy Father argues upon this Point, according to his wonted manner, Nervously and Strenuously, to shew the Clergy their Obligations to use their utmost Prudence to foresee and prevent Scandal, by avoiding all Actions of a doubtful and suspicious Nature. St. *Jerom* [q] gives his Clerk the same Instructions, to guard against Suspicions, and take Care beforehand to minister no probable Grounds for raising any feigned Stories concerning him. If his Office required him to visit the Widows or Virgins of the Church, he should never go to them alone, but always take some other Peson of known Probity and Gravity with him, from whose Company he would receive no Defamation.

Sect. 12. *Laws relating to this Matter.*

Nor was this only the private Direction of St. *Jerom*, but a publick Rule of the Church. For in the Third Council of *Carthage* this Canon was Enacted, That neither Bishop

[q] Hieron. Ep. 2. ad Nepot. Caveto omnes suspiciones; & quicquid probabiliter fingi potest, ne fingatur, ante devita, &c.

ſhop [r] nor Presbyter, nor any other Clerk ſhould viſit the Widows and Virgins alone, but in the Company and Preſence of ſome other of the Clergy, or ſome Grave Chriſtians. And in the 1ſt Council of *Carthage* [s] and the Council of *Epone* [t] there are Canons to the ſame Purpoſe.

Sect. 13. *An Account of the* Agapetæ, *and* σωνείσακτοι, *and the Laws of the Church made againſt them.*

The great Council of *Nice* made another Order upon the ſame Grounds, to prevent all ſiniſter Opinions, that none of the Unmarried Clergy, Biſhop, Preſbyter, Deacon, or any other [u] ſhould have any Woman that was a Stranger, and not one of their Kindred, to dwell with them; ſave only a Mother, a Siſter or an Aunt, or ſome ſuch Perſons, with whom they might live without Suſpicion. They who hence conclude, that the Clergy were forbidden to cohabit with their Wives, which they had Married before Ordination, are ſufficiently expoſed by *Gothofred* [w] as Ignorant of the true import of the Original Word, σωνείσακτος, which never denotes a Wife, but always a Stranger, in oppoſition to thoſe of one's Kindred: And it is evident, the Canon was made not upon the Account of the Married Clergy, but the Unmarried, to prevent Suſpicion and Evil Reports, that might eaſily ariſe from their familiar Converſation with Women that were not of their Kindred or near Relations. We may be ſatisfied of this from a Law of *Honorius* and *Theodoſius* Junior, which

[r] Conc. Carth. 3. c. 25. Nec Epiſcopi aut Presbyteri ſoli habeant acceſſum ad hujuſmodi fœminas, niſi aut Clerici præſentes ſint, aut graves aliqui Chriſtiani. [s] Conc. Carth. 1. c. 3. [t] Conc. Epaunenſ. c. 20. [u] Conc. Nicen. c. 3. μὴ ἔξεῖναι σωνείσακτον ἔχειν, πλὴν εἰ μὴ μόνον μητέρα, ἢ ἀδελφὴν, ἢ θείαν, &c. [w] Gothofred. Not. in Cod. Theodoſ. Lib. 16. Tit. 2. de Epiſc. Leg. 44.

which was made in purſuance of the *Nicene* Canon, and is ſtill extant in both the Codes [*x*], where firſt having forbidden the Clergy to cohabit with any Strange Women, who by ſome were taken in under the Title and Appellation of Siſters; and having named what Perſons they might lawfully entertain in their Houſes, *viz.* Mothers, Daughters and Siſters, becauſe Natural Conſanguinty would prevent all Suſpicion of theſe: Leſt the not Excepting of Wives might ſeem to exclude them alſo, a Particular Clauſe is added concerning them, That ſuch as were Married before their Husbands were Ordained, ſhould not be relinquiſhed upon pretence of Chaſtity, but rather be retained upon that Account; it being but reaſonable that they ſhould be joyned to their Husbands, who by their Converſation made their Husbands worthy of the Prieſthood. The συνείσακτοι then, or Strangers, who in theſe Laws are forbidden to Cohabit with the Clergy, are not their Lawful Wives, but others who were taken in under the Name of Siſters, as that Law of *Honorius*, and other ancient Writers [*y*] intimate they were called by thoſe that entertained them. St. *Jerom* [*z*] and *Epiphanius* [*a*] tell us, they were

[*x*] Cod. Th. Lib. 16. Tit. 2. de Epiſc. Leg. 44. It. Cod. Juſt. Lib. 1. Tit. 3. Leg. 19. Eum qui probabilem ſeculo Diſciplinam agit, decolorari conſortio ſororiæ appellationis non decet. Quicunque igitur cujuſcunque gradus Sacerdotio fulciuntur, vel Clericatus honore cenſentur, Extranearum ſibi mulierum interdicta conſortia cognoſcant; hac eis tantum facultate conceſſa, ut Matres, Filias, atque Germanas intra domorum ſuarum ſepta contineant. In his enim nihil ſævi Criminis exiſtimari Fœdus naturale permittit. Illas etiam non relinqui caſtitatis hortatur affectio, quæ ante ſacerdotium maritorum legitimum meruere Conjugium. Neque enim Clericis incompetenter adjunctæ ſunt, quæ dignos Sacerdotio viros ſua Converſatione fecerunt. [*y*] Vid. Conc. Ancyr. c. 19. [*z*] Hieron. Ep. 22 ad Euſtoch. p. 138. [*a*] Epiphan. Hær. 63. Origen. n. 2.

were alſo known by the Name of *Agapetæ*, ἀγαπηταὶ, that is, Beloved. So that all theſe ſeveral Names Signifie but that one ſort of Perſons, moſt commonly called Strangers, *Extraneæ*, and συνείσακτοι, whoſe Converſation was Suſpicious, and therefore ſo often prohibited by the Laws of the Church. They were commonly ſome of the Virgins belonging to the Church, whom they that entertained pretended only to love as Siſters with a Chaſt Love. But their Manner of Converſing was ſometimes ſo very Scandalous, that it juſtly gave great Offence to all Sober and Modeſt Perſons; and had not the Church always interpoſed with her ſevereſt Cenſures, it muſt have made her liable to as great Reproach. For it appears from the Complaint of St. *Cyprian* [*b*], St. *Jerom* [*c*] and others, that the Practice of ſome was very intolerable: For they not only dwelt together in the ſame Houſe, but lodged in the ſame Room, and ſometimes in the ſame Bed; and yet would be thought Innocent, and called others Uncharitable and Suſpicious, that entertained any hard thoughts of them. But the Church did not regard vain Words, but treated them as they juſtly deſerved, as Perſons that uſed a Scandalous and indecent Liberty, and who were the very Peſts and Plagues of the Church. *Cyprian* [*d*] commends *Pomponius* for Excommunicating a Deacon, who had been found Guilty in this kind. And the Council of *Antioch* [*e*] alledged this among

[*b*] Cypr. Ep. 6. al. 14. Ep. 7. al. 13. Ep. 62. al. 4. [*c*] Hieron. Ep. 22. ad Euſtoch. de Virgin. Servand. Unde in Eccleſias Agapetarum Peſtis introiit? Unde ſine nuptiis aliud nomen uxorum? Imo unde novum Concubinarum genus? Plus inferam: Unde Meretrices Univiræ? Quæ eadem domo, uno Cubiculo, ſæpe uno tenentur & Lectulo; & ſuſpicioſos nos vocant, ſi aliquid exiſtimamus. [*d*] Cypr. Ep. 62. al. 4. ad Pompon. [*e*] Epiſt. Synod. ap. Euſeb. Lib. 7. c. 30.

mong other Reaſons for their Depoſing *Paulus Samoſatenſis* from his Biſhoprick. In the following Ages, beſides the Councils of *Nice* and *Ancyra* already mentioned, we meet with many other Canons made upon this Account, as in the 2d. Council of *Arles* [*f*], the 1ſt, 3d, and 4th. Councils of *Carthage* [*g*], the Council of *Eliberis* [*h*], and *Lerida* [*i*], and many others, prohibiting the Clergy to entertain any Women, who were Strangers, and not of their near Relations, under Pain of Deprivation. The Intent of all which Canons was to oblige the Clergy not only to live Innocently in the ſight of GOD, but alſo Unblameably, and without Suſpicion and Cenſure in the ſight of Men. It being more eſpecially neceſſary for Men of their Function to maintain not only a good Conſcience, but a good Name; the one for their own ſake, the other for the ſake of their Neighbours [*k*]: That Men might neither be tempted to Blaſpheme the Ways of GOD, by ſuſpecting the Actions of Holy Men to be Impure, when they were not ſo; nor be induced to imitate ſuch Practices, as they at leaſt imagined to be Evil: Either of which would turn to the Deſtruction of their Souls. So that it was Cruelty and Inhumanity, as St. *Auſtin* concludes, for a Man in ſuch Circumſtances to neglect and diſregard his own Reputation.

Sect. 14. *Malevolent and Unavoidable Suſpicions to be contemned.*

But it might happen, that a Man after the utmoſt Human Caution and Prudence that could be uſed, might not be able to avoid the Malevolent Suſpicions of ill diſpoſed Men: For our Bleſſed Lord, whoſe In-

[*f*] Conc. Arelat. 2. c. 3. [*g*] Conc. Carth. 1. c. 3. & 4. Carth. 3. c. 17. Carth. 4. c. 46. [*h*] Conc. Eliber. c. 27. [*i*] Conc. Ilerdenſ. c. 15. [*k*] Aug. de Bono Viduitat. c. 22. Tom. 4. Nobis neceſſaria eſt vita noſtra, aliis Fama noſtra, &c.

Innocence and Conduct were both equally Divine, could not in his Converſe with Men wholly eſcape them. Now in this Caſe the Church could preſcribe no other Rule, but that of Patience and Chriſtian Conſolation given by our Saviour to his Apoſtles. *Bleſſed are ye when Men ſhall revile you, and perſecute you, and ſhall ſay all Manner of Evil* [*] *againſt you falſly for my Sake: Rejoyce, and be exceeding glad; for great is your Reward in Heaven.* When we have done, ſays St. *Auſtin* [*l*], all that in Juſtice and Prudence we could to preſerve our good Name; if after that ſome Men, notwithſtanding, will endeavour to blemiſh our Reputation, and blacken our Character, either by falſe Suggeſtions or unreaſonable Suſpicions; Let Conſcience be our Comfort, nay plainly our Joy, that great is our Reward in Heaven. For this Reward is the Wages of our Warfare, whilſt we behave our ſelves as good Soldiers of Chriſt, by the Armour of Righteouſneſs on the Right Hand and on the Left, by Honour and Diſhonour, by evil Report, and good Report. So much of the Laws of the Church, relating to the Life and Converſation of the ancient Clergy.

[*] *Mat.* 5. 11. [*l*] Aug. ibid.

CHAP. III.

Of Laws more particularly relating to the Exerciſe of the Duties and Offices of their Function.

Sect. 1. *The Clergy obliged to lead a ſtudious Life.*

I Come now to ſpeak of ſuch Laws as more immediately related to their Function, and the ſeveral Offices and Duties belonging to it. In ſpeaking of which, becauſe many of

of theſe Offices will come more fully to be conſidered hereafter, when we treat of the Liturgy and Service of the Church, I ſhall here ſpeak chiefly of ſuch Duties as were required of them by way of General Qualification, to enable them the better to go through the particular Duties of their Function. Such was in the firſt Place their Obligation to lead a ſtudious Life. For ſince, as *Gregory Nazianzen* [*a*] obſerves, the meaneſt Arts could not be obtained without much Time, and Labour and Toil ſpent therein; it were abſurd to think, that the Art of Wiſdom, which comprehends the Knowledge of things Human and Divine, and comprizes every thing that is Noble and Excellent, was ſo light and vulgar a thing, as that a Man needed no more but a Wiſh or a Will to obtain it. Some indeed, he complains [*b*], were of this fond Opinion, and therefore before they had well paſſed the time of their Childhood, or knew the Names of the Books of the *Old* and *New Teſtament*, or how well to read them, if they had but got two or three pious Words by Heart, or had read a few of the *Pſalms* of *David*, and put on a grave Habit, which made ſome outward ſhew of Piety, they had the Vanity to think, they were qualified for the Government of the Church. They then talked nothing but of *Samuel*'s Sanctification from his Cradle, and thought themſelves profound Scribes, and great Rabbies and Teachers, ſublime in the Knowledge of Divine things, and were for interpreting the Scripture not by the Letter, but after a ſpiritual way, propounding their own Dreams and Fancies, inſtead of the Divine Oracles to the People. This, he complains, was for want of that Study and Labour, which ought to

[*a*] Naz. Orat. 1. de Fuga, Tom. 1. p. 22. [*b*] Ibid. p. 21.

to be the continual Employment of Perſons who take upon them the Offices of the Sacred Function. St. *Chryſoſtom* purſues this Matter a little farther, and ſhews the Neceſſity of continual Labour and Study in a Clergyman, from the Work and Buſineſs he has upon his Hand, each part of which requires great Sedulity and Application. For firſt he ought to be qualify'd to miniſter ſuitable Remedies to the ſeveral Maladies and Diſtempers [*c*] of Mens Souls; the Duty of which requires greater Skill and Labour, than the Cure of their Bodily Diſtempers: and this is only to be done by the Doctrine of the Goſpel, which therefore required that he ſhould be intimately acquainted with every Part of it. Then again he muſt be able to ſtop the Mouths of all Gainſayers [*d*], Jews, Gentiles, and Hereticks, who had different Arts and different Weapons to aſſault the Truth by: And unleſs he exactly underſtood all their Fallacies and Sophiſms, and knew the true Art of making a proper Defence, he would be in danger not only of ſuffering each of them to make Spoil and Devaſtation of the Church, but of encouraging one Error, whilſt he was oppoſing another. For nothing was more common, than for ignorant and unskilful Diſputants to run from one Extream to another; as he ſhews in the Controverſies which the Church had with the *Marcionites* and *Valentinians* on the one Hand, and the Jews on the other, about the Law of *Moſes*; and the Diſpute about the Trinity between the *Arians* and *Sabellians*. Now unleſs a Man was well skilled and exercis'd in the Word of GOD, and the true Art and Rules of Diſputation, which could not be attained without continual Study and Labour, he concludes,

[*c*] Chryſ. de Sacerd. Lib. 4. c. 3. [*d*] Ibid. Lib. 4. c. 4.

concludes, it would be impoſſible for him to maintain his Ground, and the Truth, as he ought, againſt ſo many ſubtle and wilie Oppoſers. Upon this he inculcates [e] that Direction of St. *Paul* to *Timothy*, 1 Tim. 4. 13. *Give Attendance to Reading, to Exhortation, to Doctrine: Meditate upon theſe things; give thy ſelf wholly to them, that thy Profiting may appear to all Men.* 3*dly*, He ſhews [f] how difficult and laborious a Work it was to make continual Homilies and ſet Diſcourſes to the People, who were become very ſevere Judges of the Preachers Compoſures, and would not allow him to rehearſe any Part of another Man's Work, nor ſo much as to repeat his own upon a ſecond Occaſion. Here his Task was ſomething the more difficult, becauſe Men had generally nice and delicate Palates, and were inclined to hear Sermons as they heard Plays, more for Pleaſure than Profit; which added to the Preachers Study and Labour; who though he was to contemn both popular Applauſe and Cenſure, yet was he alſo to have ſuch a Regard to his Auditory, as that they might hear him with Pleaſure to their Edification and Advantage. And the more famed and eloquent the Preacher was, ſo much the more careful [g] and ſtudious ought he to be, that he may always anſwer his Character, and not expoſe himſelf to the Cenſures and Accuſations of the People. Theſe and the like Arguments does that holy Father urge, to ſhew how much it concerns Men of the Sacred Calling to devote themſelves to a ſtudious and laborious Life, that they may be the better qualified thereby to anſwer the ſeveral indiſpenſible Duties of their Functions.

Some

[e] Chryſ. Ibid. Lib. 4. c. 8. [f] Ibid. Lib. 5. c. 1. [g] Ibid. Lib. 5. c. 5.

Sect. 2.
No Pleas allowed as just Apologies for the contrary.

Some indeed, St. *Chryſoſtom* ſays, were ready to plead even the Apoſtles Authority for their Ignorance, and almoſt value themſelves for want of Learning, becauſe the Apoſtle ſays of himſelf, that he was rude in Speech. But to this the holy Father juſtly replies, That this was a Miſrepreſentation of the great Apoſtle, and vainly urg'd to excuſe any Man's Sloth and [*b*] Negligence in not attaining to thoſe neceſſary Parts of Knowledge, which the Clerical Life required. If the utmoſt Heights and Perfections of Exotick Eloquence had been rigidly exacted of the Clergy; if they had been to ſpeak always with the Smoothneſs of *Iſocrates*, or the Loftineſs of *Demoſthenes*, or the Majeſty of *Thucydides*, or the Sublimity of *Plato*; then indeed it might be pertinent to alledge this Teſtimony of the Apoſtle: But rudeneſs of Stile, in compariſon of ſuch Eloquence, may be allowed; provided Men be otherwiſe qualified with Knowledge, and Ability to Preach and Diſpute accurately concerning the Doctrines of Faith and Religion; as St. *Paul* was, whoſe Talents in that kind have made him the Wonder and Admiration of the whole World; and it would be unjuſt to accuſe him of Rudeneſs of Speech, who by his Diſcourſes confounded both Jews and Greeks, and wrought many into the Opinion that he was the *Mercury* of the Gentiles. Such Proofs of his Power and Perſuaſion were ſufficient Evidence, that he had ſpent ſome Pains in this way; and therefore his Authority was fondly abuſed to Patronize Ignorance and Sloth, whoſe Example was ſo great a Reproach to them. Others again

[*b*] Chryſ. de Sacerd. Lib. 4. c. 6.

again there were, who placed the Whole of a Miniſter in a good Life, and that was made another Excuſe for the want of Knowledge and Study and the Art of Preaching and Diſputing. But to this St. *Chryſoſtom* [*i*] alſo replies, That both theſe Qualifications were required in a Prieſt; he muſt not only do, but teach the Commands of Chriſt; and guide others by his Word and Doctrine, as well as his Practice: Each of theſe had their Part in his Office, and were neceſſary to aſſiſt one another, in order to conſummate Mens Edification. For otherwiſe, when any Controverſy ſhould ariſe about the Doctrines of Religion, and Scripture was pleaded in behalf of Error, what would a good Life avail in this Caſe? What would it ſignify to have been diligent in the Practice of Vertue, if after all, a Man through groſs Ignorance and Unskilfulneſs in the Word of Truth, fell into Hereſy, and cut himſelf off from the Body of the Church? as he knew many that had done ſo. But admit a Man ſhould ſtand firm himſelf, and not be drawn away by the Adverſaries; yet when the plain and ſimple People, who are under his Care, ſhall obſerve their Leader to be baffled, and that he has nothing to ſay to the Arguments of a ſubtle Oppoſer, they will be ready to impute this not ſo much to the Weakneſs of the Advocate, as the Badneſs of his Cauſe: And ſo by one Man's Ignorance a whole People ſhall be carry'd headlong to utter Deſtruction; or at leaſt be ſo ſhaken in their Faith, that they ſhall not ſtand firm for the future. St. *Jerom* gives alſo a ſmart Rebuke to this Plea, telling [*k*] his Clerk, That

[*i*] Chryſ. de Sacerd. Lib. 4. c. 8. & 9. [*k*] Hieron. Ep. 2. ad Nepotian. Nec Ruſticus & tamen ſimplex Frater ideo ſe ſanctum putet, ſi nihil noverit: Nec peritus & eloquens in lingua æſtimet ſanctitatem. Multoque melius eſt è duobus imperfectis Ruſticitatem ſanctam habere, quam Eloquentiam peccatricem.

That the plain and ruſtick Brother ſhould not value himſelf upon his Sanctity, and deſpiſe Knowledge; as neither ſhould the artful and eloquent Speaker meaſure his Holineſs by his Tongue. For though of two Imperfections it was better to have a holy Ignorance, than a vicious Eloquence; yet to conſummate a Prieſt both Qualifications were neceſſary, and he muſt have Knowledge as well as Sanctity to fit him for the ſeveral Duties of his Function. Thus did thoſe Holy Inſtructers plead againſt Ignorance in the Clergy, and urge them with proper Arguments to engage them upon a ſtudious Life, which was the only way to furniſh them with ſufficient Abilities to diſcharge many weighty Duties of their Function.

Sect. 3.

Their chief Studies to be the Holy Scriptures, and the approv'd Writers and Canons of of the Church.

But it was not all ſorts of Studies that they equally recommended, but chiefly the Study of the Holy Scriptures; as being the Fountains of that Learning which was moſt proper for their Calling, and which upon all Occaſions they were to make Uſe of. For as St. *Chryſoſtom* obſerves [*l*], in the way of adminiſtring Spiritual Phyſick to the Souls of Men, the Word of GOD was inſtead of every thing that was uſed in the Cure of Bodily Diſtempers. It was Inſtrument, and Diet, and Air; it was inſtead of Medicine, and Fire, and Knife; if Cauſticks or Inciſions were neceſſary, they were to be done by this: And if this did not ſucceed, it would be in vain to try other Means. This was it that was to raiſe and comfort the Dejected Soul, and take down and aſſwage the ſwelling Tumors and Preſumptions of the Confident. By this they

[*l*] Chryſ. de Sacerd. Lib. 4. c. 3, & 4.

were both to cut off what was ſuperfluous, and ſupply what was wanting, and do every thing that was neceſſary to be done in the Cure of Souls. By this all Hereticks and Aliens were to be convinced, and all the Plots of Satan to be countermined: And therefore it was neceſſary that the Miniſters of GOD ſhould be very diligent in ſtudying the Scriptures, that the Word of Chriſt might dwell richly in them. This was neceſſary to qualify them eſpecially for Preaching; ſince, as St. *Jerom* rightly notes [*m*], the beſt Commendation of a Sermon was to have it ſeaſoned well with Scripture rightly applied. Beſides, the Cuſtom of Expounding the Scripture occaſionally many times as it was read, required a Man to be well acquainted with all the Parts of it, and to underſtand both the Phraſe and Senſe, and Doctrines, and Myſteries of it, that he might be ready upon all Occaſions to Diſcourſe pertinently and uſefully upon them. And to this purpoſe ſome Canons [*n*] appointed, that their moſt vacant Hours, the Times of Eating and Drinking, ſhould not paſs without ſome Portion of Scripture read to them; partly to exclude all other trifling and unneceſſary Diſcourſe, and partly to afford them proper Themes and Subjects to exerciſe themſelves upon to Edification and Advantage. St. *Jerom* commends his Friend *Nepotian* for this, that at all Feaſts [*o*] he was uſed to propound ſomething out

[*m*] Hieron. Ep. 2. ad Nepot. Sermo Presbyteri ſcripturarum Lectione conditus ſit. Nolo te Declamatorem eſſe, & Rabulam, garrulumque ſine ratione, ſed Myſteriorum peritum, &c. [*n*] Conc. Tolet. 3. c. 7. Quia ſolent crebro menſis otioſæ Fabulæ interponi, in omni ſacerdotali Convivio Lectio ſcripturarum Divinarum miſceatur: per hoc enim & animæ ædificantur in bonum, & Fabulæ non neceſſariæ prohibentur. [*o*] Hieron. Epitaph. Nepot. Ep. 3. ad Heliodor. ſermo ejus & (*leg.* per) omne Convivium de Scripturis aliquid proponere, &c.

out of the Holy Scripture, and entertain the Company with some useful Disquisition upon it. And next to the Scriptures he employed his Time upon the Study of the best Ecclesiastical Authors, whom by continual Reading, and frequent Meditations he had so treasured up in the Library of his Heart, that he could repeat their Words upon any proper Occasion, saying thus spake *Tertullian*, thus *Cyprian*, so *Lactantius*, after this manner *Hilary*, so *Minucius Felix*, so *Victorinus*, these were the Words of *Arnobius*, and the like. But among Ecclesiastical Writings, the Canons of the Church were always reckoned of greatest Use; as containing a summary Account, not only of the Churches Discipline, and Doctrine, and Government, but also Rules of Life and Moral Vertues: Upon which Account, as some Laws directed that the Canons should be read over at every Man's Ordination; so others required the [p] Clergy afterward to make them part of their constant Study together with the Holy Scripture. For the Canons were then a sort of Directions for the Pastoral Care, and they had this Advantage of any Private Directions, that they were the Publick Voice and Rubricks of the Church, and so much the more carefully to be read upon that Account. In After-ages in the Time of *Charles the Great*, we find some Laws obliging the Clergy [q] to read together with the Canons, *Gregory*'s Book *de Cura Pastorali*.

[p] Conc. Tolet. 4. c. 24. Sciant Sacerdotes scripturas sanctas, & Canons meditentur— ut ædificent cunctos tam Fidei scientia, quam operum Disciplina. [q] Concil. Turon. c. 3. Concil. Cabillon. c. 1.

Sect. 4.
How far the Study of Heathen or Heretical Books was allowed.

As to other Book and Writings, they were more cautious and ſparing in the Study and Uſe of them. Some Canons [r] forbad a Biſhop to read Heathen Authors: Nor would they allow him to read Heretical Books, but only upon Neceſſity, that is, when there was occaſion to Confute them, or to caution others againſt the Poiſon of them. But the Prohibition of Heathen Learning, though it ſeems to be more peremptory, was to be underſtood likewiſe with a little Qualification. For Men might have very different Views and Deſigns in reading Heathen Authors. Some might read them only for Pleaſure, and make a Buſineſs of that Pleaſure, to the neglect of Scripture and more uſeful Learning: And all ſuch were highly to be condemned. St. *Jerom* [s] ſays of theſe, that when the Prieſts of GOD read Plays inſtead of the Goſpels, and wanton Bucolicks inſtead of the Prophets, and loved to have *Virgil* in their Hands rather than the Bible: they made a Crime of Pleaſure, and turned the Neceſſity of Youthful Exerciſe into a Voluntary Sin. Others could not reliſh the Plain and Unaffected Stile of Scriptures, but converſed with Heathen Orators to bring their Language to a more Polite or Attick Dialect; And theſe alſo came under the Cenſures of the Church. It is remarkable what *Sozomen* [t] tells us of *Triphyllius* a *Cyprian* Biſhop, (who was one of theſe Nice and Delicate Men, who thought the Stile of Scripture

[r] Conc. Carth. 4. c. 16 Ut Epiſcopus Gentilium Libros non legat; Hæreticorum autem pro Neceſſitate & tempore. [s] Hieron. Ep. 146. ad Damaſum de Filio Prodigo. Tom. 3. p. 129. Sacerdotes Dei omiſſis Evangeliis & Prophetis, videmus Comœdias legere, amatoria Bucolicorum verſuum verba canere, Virgilium tenere; & id quod in pueris neceſſitatis eſt, crimen in ſe facere Voluptatis. [t] Sozom. Lib. 1. c. 11.

Scripture not ſo elegant as it might be made) that having occaſion, in a Diſcourſe before *Spiridion*, and ſome other *Cyprian* Biſhops, to cite thoſe words of our Saviour, ἆρον σὺ τὸ κράββατόν σου καὶ περιπάτει, *Take up thy bed and walk*, he would not uſe the word κράββατον, but inſtead of it put σκίμποδα, as being a more elegant word in his opinion. To whom *Spiridion* with an holy Indignation and Zeal replied, *Art thou better than him that ſaid* κράββατον, *that thou ſhouldeſt be aſhamed to uſe his words?* thereby admoniſhing him to be a little more modeſt, and not give human Eloquence the preference before the holy Scriptures. Another ſort of men converſed with Heathen Authors rather than the Scriptures, becauſe they thought them more for their turn, to arm them with Sophiſtry to impoſe their Errors upon the ſimplicity of others. As the *Anonymous* Author in *Euſebius* [u] who writes againſt the *Theodoſian* Hereticks, obſerves of the leading men of that Party, That leaving the holy Scriptures, they generally ſpent their time in *Euclid* and *Ariſtotle*, *Theophraſtus* and *Galen*; uſing the *Quirks* and *Sophiſms* of Infidel Writers to palliate their Hereſie, and corrupt the Simplicity of the Chriſtian Faith. Now in all theſe Caſes, the reading of heathen Authors for ſuch unworthy Ends, was very diſallowable, becauſe it was always done with a manifeſt Neglect and Contempt of the holy Scriptures, and therefore upon ſuch grounds deſervedly forbidden by the Canons of the Church: But then, on the other hand, there were ſome Caſes, in which it was very allowable to read Gentile Authors, and the Churches Prohibition did not extend to theſe; for ſometimes it was neceſſary to read them, in order to confute and expoſe their Errors, that others might not be infected

[u] Euſeb. Lib. 5. c. 28.

ed thereby. Thus St. *Jerom* obſerves of *Daniel* [*w*], that he was taught in the Knowledge of the *Chaldeans*, and *Moſes* in all the Wiſdom of the *Egyptians*: which was no Sin to learn, ſo long as they did not learn it to follow it, but to cenſure and refute it. St. *Ambroſe* [*x*] ſays, he read ſome Books, that others might not read them; he read them to know their Errors, and caution others againſt them. This was one reaſon why ſometimes Heathen Writers might be read by Men of Learning, in order to ſet a Mark upon them; Another reaſon was, that many of them were uſeful and ſubſervient to the Cauſe of Religion, either for Confirming the Truth of the Scriptures, and the Doctrines of Chriſtianity, or for Expoſing and Refuting the Errors and Vanities of the Heathen themſelves. Thus St. *Jerom* [*y*] obſerves, that both the *Greek* and *Latin* Hiſtorians, ſuch as *Diodorus Siculus*, *Polybius*, *Trogos Pompeius*, and *Livy*, are of great uſe as well to explain as confirm the Truth of *Daniel*'s Prophecies. And St. *Auſtin* [*z*] ſays the ſame of the Writings of *Orpheus* and the *Sibyls*, and *Hermes*, and other Heathen Philo-

[*w*] Hieron: Com. in Daniel. c. 1. Nunquam acquieſcerent diſcere, quod non licebat. Diſcunt autem non ut ſequantur, ſed ut judicent atque convincant. [*x*] Ambroſ. Proœm. in Luc. Evang. Legimus aliqua, ne legantur; legimus, ne ignoremus; legimus, non ut teneamus, ſed ut repudiemus. [*y*] Hieron. Prolog. in Daniel. Ad intelligendas, extremas partes Danielis, multiplex Græcorum Hiſtoria neceſſaria eſt, &c. Et ſi quando cogimur Literarum Sæcularium recordari, & aliqua ex his dicere quæ olim omiſimus; non noſtræ eſt voluntatis, ſed ut ita dicam, graviſſimæ neceſſitatis: Ut probemus ea quæ a Sanctis Prophetis ante multa Sæcula prædicta ſunt, tam Græcorum quam Latinorum & aliarum Gentium literis contineri. [*z*] Aug. cont. Fauſt. Lib. 13. c. 15. Sibyllæ & Orpheus, & neſcio quis Hermes, & ſi qui alii Vates, vel Theologi, vel Sapientes, vel Philoſophi Gentium de Filio Dei, aut de Patre Deo vera prædixiſſe ſeu dixiſſe perhibentur; valet quidem aliquid ad Paganorum vanitatem revincendam.

Philoſophers, that as they ſaid many things that were true both concerning GOD and the Son of GOD, they were in that reſpect very ſerviceable in refuting the Vanities of the Gentiles. Upon which Account not only St. *Auſtin* and St. *Jerom*, but moſt of the ancient Writers of the Church, were uſually well verſed in the Learning of the Gentiles, as every one knows that knows any thing of them. St. *Jerom* in one ſhort Epiſtle [*a*] mentions the greateſt part of thoſe that lived before his own Time, both *Greeks* and *Latins*, and ſays of them all in general, That their Books are ſo filled with the Sentences and Opinions of Philoſophers, that it is hard to ſay which is moſt to be admired, their Secular Learning, or their Knowledge of the Scriptures. And herein is comprized the plain State of this Matter: The Clergy were obliged in the firſt place to be very diligent in ſtudying the Scriptures, and after them the Canons, and approved Writers of the Church, according to Mens Abilities, Capacities, and Opportunities; for the ſame Meaſures could not be exacted of all. Beyond this, as there was no Obligation on them to read Human Learning, ſo there was no abſolute Prohibition of it; but where it could be made to miniſter as an Handmaid to Divinity, and not uſurp or incroach upon it, there it was not only allowed, but commended and encouraged; and it muſt be owned, that though the Abuſe of Secular Learning does ſometimes great harm, yet the Study of it rightly applied did very great Service to Religion in the Primitive Ages of the Church.

From

[*a*] Hieron. Ep. 84. ad Magnum. In tantum Philoſophorum Doctrinis atque ſententiis ſuos referciunt Libros, ut neſcias quid in illis primum admirari debeas, Eruditionem ſæculi, an ſcientiam Scripturarum.

Sect. 5. *Of their Piety and Devotion in their publick Addreſſes to* GOD.

From their private Studies paſs we on next to view them in their more publick Capacities, as the Peoples Orators to GOD, and GOD's Ambaſſadors to the People. In regard to which Offices and Character, I have ſhewed before [*] they were eſteemed a ſort of Mediators in a qualified Senſe between GOD and Men. In all their Addreſſes to GOD as the Peoples Orators, their great Care was to offer all their Sacrifices and Oblations of Prayer and Thankſgiving in ſuch a rational, decent, and becoming way, as beſt ſuited the Nature of the Action; that is, with all that Gravity and Seriouſneſs, that Humility and Reverence, that Application of Mind, and Intenſeneſs and Fervency of Devotion, as both became the Greatneſs of that MAJESTY to whom they addreſſed, and was proper for raiſing ſuitable Affections in the People. This is the true meaning of that famous controverted paſſage in *Juſtin Martyr*'s ſecond Apology, where deſcribing the Service of the Church, and the manner of celebrating the Euchariſt, he ſays, The Biſhop ſent up Prayers and Praiſes, ὅση δώαμις, [b] with the utmoſt of his Abilities to GOD. Some miſconſtrue this paſſage, and interpret the Abilities of the Miniſter officiating ſo as if they meant no more but his Invention, Expreſſion, or the like; making it by ſuch a Gloſs to become an Argument againſt the Antiquity of Publick Liturgies, or ſet Forms of Prayer; whereas indeed it ſignifies here a quite different thing, *viz.* that Spiritual Vigour, or Intenſeneſs and Ardency of Devotion, with which the Miniſter offered up the Sacrifices of the Church to GOD; being ſuch Qua-

[*] *Book* 2. *Chap.* 19. *Sect.* 6. [b] Juſtin. Apol. 2. p. 98.

Qualifications as are neceſſary to make our Prayers and Praiſes acceptable unto him, who requires them to be preſented with all our Soul and Might; which may be done in Set Forms, as well as any other way: And ſo *Gregory Nazianzen* and *Juſtin Martyr* himſelf uſe the Phraſe, ὅση δυνάμις, where they ſpeak of Set Forms of Praiſing and Serving GOD; of which more hereafter in its proper place. St. *Chryſoſtom* is very earneſt [c] in recommending this ſame Duty to the Prieſts of GOD, under the Name of σπουδὴ and ἀκρίβεια, Care and Reverence. With what exact Care, ſays he, ought he to behave himſelf, who goes in the Name of a whole City, nay, in the Name of the whole World, as their Orator and Ambaſſador to intercede with GOD for the Sins of all? But eſpecially when he invocates the Holy Ghoſt, and offers up τὴν φρικωδεστάτην θυσίαν, the Tremendous Sacrifice of the Altar, with what Purity, with what Reverence and Piety ſhould his Tongue utter forth thoſe Words? whilſt the Angels ſtand by him, and the whole Order of the Heavenly Powers cries aloud, and fills the Sanctuary, in Honour of Him who is repreſented as dead and lying upon the Altar. Thus that holy Father argues with a Warmth and Zeal ſuitable to the Subject, and ſuch as is proper to raiſe our Devotion, and kindle our Affections into an holy Flame, whenever we preſent the Supplications of the Church on Earth to the Sacred Majeſty of Heaven.

Sect. 6. *The Cenſure of ſuch as neglected the daily Service of the Church.*

And this Ardency of Devotion, was continually to be cheriſht and preſerv'd. To which purpoſe the Church had her daily Sacrifices, where-ever it was poſſible to have them; and on theſe every Clergyman was indiſpenſibly obliged to attend;

[c] Chryſ. de Sacerd, Lib. 6. c. 4.

attend; and that under pain of Suſpenſion and Deprivation, whether it was his Duty to officiate or not: For ſo the firſt Council of *Toledo* determined for the *Spaniſh* Churches, That if any Presbyter or Deacon, or other Clerk, ſhould be in any City or Country where there was a Church, and did not come to Church to the daily Sacrifice or Service [*d*], he ſhould no longer be reputed one of the Sacred Function. The Council of *Agde* orders ſuch to be reduc'd to the Communion of Strangers [*e*], which at leaſt implies Suſpenſion from their Office. And the Law of *Juſtinian* puniſhes them with Degradation [*f*] becauſe of the Scandal they give to the Laity by ſuch Neglects or Contempts of Divine Service. So careful were the ancient Law-givers of the Church to cut off all Indecencies and Abuſes of this Nature, and made the Clergy provoking Examples of Piety to the People.

Sect. 7. *Rules about Preaching to Edification.*

Next to their Office in addreſſing GOD as the Peoples Orators, we are to view them as GOD's *Ambaſſadors*, addreſſing themſelves in His Name to the People; which they did by publick Preaching and private Application; in both which their great Care was to perform the Duty of Watchmen over GOD's Flock, and of good Stewards over his Houſhold. In their Preaching their only aim was to be the Edification of the People; to which purpoſe, the great Maſters of Rules in this kind, *Gregory Nazianzen*, *Chryſoſtom*, and St. *Jerom*, lay

[*d*] Conc. Tolet. 1. c. 5. Presbyter, Diaconus, &c. qui intra Civitatem fuerit, vel in loco in quo Eccleſia eſt, ſi in Eccleſiam ad Sacrificium quotidianum non venerit, Clericus non habeatur. [*e*] Conc. Agathenſ. c. 2. Clericis qui Eccleſiam frequentare, vel Officium ſuum implere neglexerint, peregrina Communio tribuatur. [*f*] Cod. Juſt. Lib. 1. Tit. 3. de Epiſc. Leg. 42 n. 10.

lay down theſe few Directions. *Firſt*, That the Preacher be careful to make choice of an Uſeful Subject. *Gregory Nazianzen* [*g*] ſpecifies the Rule in ſome particular Inſtances, ſuch as the Doctrin of the Worlds Creation, and the Soul of Man; the Doctrin of Providence, and the Reſtauration of Man; the Two Covenants; the Firſt and Second Coming of Chriſt; his Incarnation, Sufferings and Death; the Reſurrection, and End of the World, and future Judgment, and different Rewards of Heaven and Hell; together with the Doctrin of the Bleſſed Trinity, which is the principal Article of the Chriſtian Faith. Such Subjects as theſe are proper for Edification, to build up men in Faith and Holineſs, and the Practice of all Piety and Virtue. But then, *ſecondly*, they muſt be treated on in a ſuitable way; not with too much Art or Loftineſs of Stile, but with great Condeſcenſion to mens Capacities, who muſt be fed with the Word as they are able to bear it. This is what *Gregory Nazianzen* ſo much commends [*h*] in *Athanaſius*, when he ſays, he condeſcended and ſtoop'd himſelf to the mean Capacities, whilſt to the Acute his Notions and Words were more Sublime. St. *Jerom* alſo obſerves [*i*] upon this Head, That a Preacher's Diſcourſe ſhould always be Plain, Intelligible, and Affecting; and rather adapted to excite Mens Groans and Tears by a ſenſe of their Sins, than their Admiration and Applauſe,

[*g*] Naz. Orat. 1. de Fuga. T. 1. p. 15. [*h*] Naz. Orat. 21. de Laud. Athan. T. 1. p. 396. [*i*] Hieron. Ep. 2. ad Nepotian. Docente te in Eccleſia, non clamor populi, ſed gemitus ſuſcitetur; Lachrymæ Auditorum Laudes tuæ ſint.---- Celeritate dicendi apud imperitum vulgus admirationem ſui facere indoctorum hominum eſt. Attrita Frons interpretatur ſæpe quod neſcit; & cum aliis perſuaſerit, ſibi quoque uſurpat Scientiam.

plauſe, by ſpeaking to them what neither They, nor He himſelf perhaps, do truly underſtand. For it is ignorant and unlearned men chiefly, that affect to be admired for their ſpeaking above the Capacities of the Vulgar. A bold Forehead often interprets what he himſelf does not underſtand; and yet he has no ſooner perſwaded others to they know not what, but he aſſumes to himſelf the Title of Learned upon it: when yet there is nothing ſo eaſie as to deceive the ignorant Multitude, who are always moſt prone to admire what they do not underſtand. Upon this Account St. *Chryſoſtom* ſpends almoſt a whole Book in cautioning the Chriſtian Orator againſt this Failing; that he ſhould not be intent on Popular Applauſe, but with a generous Mind [*k*] raiſe himſelf above it; ſeeking chiefly to advantage his Hearers, and not barely to delight and pleaſe them. To this purpoſe, he concludes it would be neceſſary for him to deſpiſe both the Applauſes and Cenſures of Men, and all other things that might tempt him rather to flatter his Hearers, than edifie them. In a word, his chief End [*l*] in all his Compoſures ſhould be to pleaſe GOD: And then if he alſo gained the Praiſe of Men, he might receive it; if not, he needed not to court it, nor torment himſelf that it was deny'd him; for it would be Conſolation enough for all his Labours, that in adapting his Doctrin and Eloquence he had always ſought to pleaſe his GOD. *Thirdly*, A third Rule given in this Caſe was, That men ſhould apply their Doctrin and Spiritual Medicines according to the emergent and moſt urgent Neceſſities of their Hearers; which was the moſt proper Duty of a Watchman, to perceive with a quick Eye

[*k*] Chryſ. de Sacerd. Lib. 5. c. 1. [*l*] Ibid. c. 7.

Eye where the greateſt Danger lay; which was Mens weakeſt and moſt unguarded ſide; and then apply ſuitable Remedies to their Maladies and Diſtempers. St. *Chryſoſtom* in ſpeaking of this Part of a Miniſter's Duty, ſays, He ſhould be νηφάλιος καὶ διορατικὸς, Watchful [*m*] and Perſpicacious, and have a Thouſand Eyes about him, as Living not for himſelf alone, but for a Multitude of People. To Live retired in a Cell is the Buſineſs of a Monk; but the Duty of a Watchman is to converſe among Men of all Degrees and Callings; to take care of the Body of Chriſt, the Church, and have regard both to its Health and Beauty; curiouſly obſerving, leſt any ſpot or wrinkle or other Defilement ſhould ſully the Grace and Comelineſs of it. Now this obliged Spiritual Phyſicians to apply their Medicines, that is, their Doctrines, as the Maladies of their Patients chiefly required; to be moſt earneſt and frequent in encountering thoſe Errors and Vices which were moſt reigning, or which Men were moſt in danger of being infected by. And this is the Reaſon, why in the Homilies of the Ancients we ſo often meet with Diſcourſes againſt ſuch Hereſies, as the World now knows nothing of; ſuch as thoſe of the *Marcionites* and *Manichees*, and many others, which it would be abſurd to Combate now in Popular Diſcourſes; but then it was neceſſary to be done, becauſe they were the prevailing Hereſies of the Age, and Men were in danger of being ſubverted by them. And it is farther obſervable, that the moſt formidable Hereſies, and prevailing Factions, ſuch as that of the *Arians*, when armed with Secular Power, could never either force or court the Catholick Preachers into Silence, to let the Wolves devour the

[*m*] Chryſ. ibid. Lib. 3. c. 12. Lib. 4. c. 2, & 3.

Sheep by ſuch a tame and baſe Compliance. In this Caſe no Worldly Motives could prevail with them, when they ſaw the Danger, not to give warning of it. They thought they could not otherwiſe anſwer the Character of Watchmen, and Stewards of the Myſteries of GOD, ſince it was required in Stewards that a Man be found faithful.

Sect. 8. *Of Fidelity, Diligence and Prudence in Private Addreſſes and Applications.*

But their Fidelity was not only expreſſed in their Publick Diſcourſes, but alſo in their Private Addreſſes and Applications to Men, who had either cut themſelves off from the Body of Chriſt by Hereſies and Schiſms, or by their Sins made themſelves unſound Members of the Body, whilſt they ſeemed to continue of it. With what Fidelity and Meekneſs and Diligence they addreſſed themſelves to the former ſort, we may learn from the good Effects, which their Applications often had upon them. *Theodoret* tells us [*n*] of himſelf in one place, that he had Converted a Thouſand Souls from the Hereſy of the *Marcionites*, and many others from the Hereſies of *Arius* and *Eunomius* in his own Dioceſe. And in another place [*o*] he augments the Number of Converted *Marcionites* to Ten Thouſand, whom with indefatigable Induſtry, in a Dioceſe of Forty Miles in length and breadth, containing Eight Hundred Churches in it, he had reduced from their Strayings to the Unity of the Catholick Church. What Wonders alſo St. *Auſtin* wrought in *Africk* upon the *Donatiſts* and others the ſame way, by Private Letters and Conferences and Collations with them, the Reader may learn from *Poſſidius* [*p*] the Author

[*n*] Theod. Ep. 113. ad Leon. [*o*] Id. Ep. 145. p. 1026. [*p*] Poſſid. Vit. Aug. c. 9. 13. 18.

Author of his Life, who frequently mentions his Labours in this kind, and the great advantage that accrued to the Church by this means. For he Lived to see the greatest part of the *Maniches*, *Donatists*, *Pelagians* and *Pagans* converted to the Catholick Church. They were no less careful to apply themselves in Private to Persons within the Church, as occasion required. And here great Art and Prudence, as well as Fidelity and Diligence, was necessary to give success to their Endeavours. For Mankind, as *Nazianzen* [q] observes, is so various and uncertain a sort of Creature, that it requires the greatest Art and Skill to manage him. For the Tempers of Mens Minds differ more than the Features and Lineaments of their Bodies: And as all Meats and Medicines are not proper for all Bodies, so neither is the same Treatment and Discipline proper for all Souls. Some are best moved by Words, others by Examples; some are of a dull and heavy Temper, and so have need of the spur to exstimulate them; others that are brisk and fiery, have more need of the Curb to restrain them. Praise works best upon some, and Reproof upon others, provided each of them be Ministred in a suitable and Seasonable way; otherwise they do more harm than good. Some Men are drawn by gentle Exhortations to their Duty; others by Rebukes and hard Words must be driven to it. And even in the Business of Reproof, some are affected most with open Rebuke, others with Private. For some Men never regard a secret Reproof, who yet are easily corrected, if Chastised in Publick. Others again cannot bear a publick Disgrace, but grow either Morose, or Impudent and Implacable upon it; who perhaps would have harkened to a secret Admonition, and repaid

[q] Naz. Orat. 1. de Fuga, p. 14.

their Monitor with their Converſion, as preſuming him to have accoſted them out of meer Pity and Love. Some Men are to be ſo nicely watched and obſerved, that not the leaſt of their Faults are to be diſſembled; becauſe they ſeek to hide their Sins from Men, and arrogate to themſelves thereupon the Praiſe of being Politick and Crafty: In others it is better to wink at ſome Faults, ſo that ſeeing we will not ſee, and hearing we will not hear, leſt by too freqent Chiding we bring them to deſpair, and ſo make them caſt off Modeſty, and grow bolder in their Sins. To ſome Men we muſt put on an angry Countenance, and ſeem to contemn them, and deſpair of them as loſt and Deplorable Wretches, when their Nature ſo requires it: Others again muſt be treated with Meekneſs and Humility, and be recovered to a better Hope by more Promiſing and encouraging Proſpects. Some Men muſt be always conquered, and never yielded to, whilſt to others it will be better ſometimes to concede a little. For all Mens Diſtempers are not to be Cured the ſame way, but proper Medicines are to be applied, as the Matter it ſelf, or Occaſion, or the Temper of the Patient will admit of. And this is the moſt difficult part of the Paſtoral Office, to know how to diſtinguiſh theſe things nicely with an exact Judgment, and with as exact an Hand to Miniſter ſuitable Remedies to every Diſtemper. It is a Maſter-piece of Art, which is not to be perfectly attained but by good Obſervation, joined with Experience and Practice. What our Author thus here at large diſcourſes by way of Rule and Theory, he in another place Sums up more briefly in the Example of the great *Athanaſius*, whoſe Pattern he propoſes to Mens Imitation, as a Living Image of this admirable Prudence and Dexterity in dealing with Men according to this great Variety

of

of Tempers; telling us [r], that his Deſign was always one and the ſame, but his Methods Various; praiſing ſome, moderately Correcting others; uſing the Spur to ſome dull Tempers, and the Reins to others of a more hot and zealous Spirit; in his Converſation Maſter of the greateſt Simplicity, but in his Government Maſter of the greateſt Artifice and variety of Skill; Wiſe in his Diſcourſes, but much wiſer in his Underſtanding, to adapt himſelf according to the different Capacities and Tempers of Men. Now the deſign of all this was not to give any Latitude or Licence to Sin, but by all Prudent and Honeſt Arts to diſcourage and deſtroy it. It was not to teach the Clergy the baſe and ſervile Arts of Flattery and Compliance; to become Time-ſervers and Men-pleaſers, and ſooth the Powerfull or the Rich in their Errors and Vices; but only to inſtruct them in the different Methods of oppoſing Sin, and how by joining Prudence to their Zeal, they might make their own Authority moſt Venerable, and moſt Effectually promote the true Ends of Religion. St. *Chryſoſtom* puts in this Caution, in deſcribing this part of a Biſhops Character. He ought to be Wiſe, as well as Holy; a Man of great Experience, and one that underſtands the World: And becauſe his Buſineſs is with all ſorts of Men, he ſhould be ποικίλος, one that can appear with different Aſpects, and Act with great Variety of Skill. But when I ſay this, I do not mean, ſays he, [s] that he ſhould be a Man of Craft, or ſervile Flattery, or a diſſembling Hypocrite; but a Man of great Freedom and Boldneſs, who knows notwithſtanding how to condeſcend and ſtoop himſelf for Mens ad-

[r] Naz. Orat. 21. de Laud. Athan. p. 396. [s] Chryſ. de ſacerd. Lib. 6. c. 4. ποικίλον αὐτὸν εἶδ᾽ ἂν. ποικίλον δ᾽ λέγω, ἐχ ὑπολον, ἐ κόλακα, ἐχ ὑποκείτην, &c.

advantage, when Occaſion requires, and can be as well Mild as Auſtere: For all Men are not to be treated in the ſame way: No Phyſician uſes the ſame Method with all his Patients. The true Mean and Decorum, he thinks, which a Biſhop ſhould obſerve in his Converſe and Applications to Men, is to keep between too much Stifneſs and Abjectneſs. He muſt be Grave without Pride [*t*]; Aweful, but Courteous; Majeſtick, as a Man of Authority and Power, yet Affable and Communicative to all: Of an Integrity that cannot be Corrupted, yet Officious and ready to ſerve every Man; Humble, but not Servile; Sharp and Reſolute, but yet Gentle and Mild. By ſuch Prudence he will Maintain his Authority, and carry any Point with Men, whilſt he Studies to do every thing without Hatred or Favour, only for the Benefit and Edification of the Church. We muſt reduce to this Head of Prudence in making proper Addreſs and Application to Offenders, that Direction given by St. *Paul*, and repeated in ſeveral ancient Canons, that a Biſhop be no Smiter, μὴ πλήκτην, which the Twenty Seventh of thoſe called the Apoſtolical Canons thus Paraphraſes: If any Biſhop, Presbyter, or Deacon ſmite either an offending Chriſtian, or an injurious Heathen, we order him to be depoſed. For our LORD did not teach us this Diſcipline, but the contrary; for he was ſmitten, but did not ſmite any; when he was reviled, he reviled not again; when he ſuffered, he threatned not. *Juſtinian* forbids [*u*] the ſame in one of his Novels, as a thing unbecoming the Prieſts of GOD, to ſmite any Man with their own hands. The

[*t*] Chryſ. de Sacerd. Lib. 3. c. 16. [*u*] Juſt. Novel. 123. c. 11. Sed neque propriis manibus liceat Epiſcopo quenquam percutere. Hoc enim alienum eſt a ſacerdotibus.

The Word πλήσσειν signifies also smiting with the Tongue, by reproachful, bitter, and contumelious Language, as St. *Chrysostom*, St. *Jerom*, and others understand it. In which Sense also it was forbidden, as a thing indecent, and unbecoming the Gravity and Prudence of the Christian Clergy.

Sect. 9. *Of Prudence and Candor in composing unnecessary Controversies in the Church.*

St. *Chrysostom* enlarges upon several other Parts of Prudence, which I need not here insist upon, because they have either already been mentioned, or will hereafter be considered in other Places; such as Prudence [*w*] in opposing Heresies; Prudence [*x*] in managing the Virgins and Widows, and the Revenues of the Church; Prudence [*y*] in Hearing and Determining Secular Causes; and Prudence [*z*] in the Exercise of Discipline and Church-Censures, which last will be spoken to under another Head. I shall here therefore only add one Instance more of their Prudence in allaying unnecessary Disputes, which rose among Catholicks and Men of the same Opinion in the Church. Which indeed was rather a Complication of many noble Vertues, Prudence, Candor, Ingenuity, Moderation, Peaceableness and Charity, joyned together, which like a Constellation of the brightest Qualities always shined with the greatest Lustre. This is what *Gregory Nazianzen* chiefly admired in the Conduct of *Athanasius*, and therefore he gives it the highest Commendation and Preference before all his other Vertues, as thinking there was no one thing whereby he did greater Service to the Church of GOD. It happened in the Time of *Athanasius*, that the Catholicks were like to be divided about mere Words;

[*w*] Chrys. ibid. Lib. 4. c. 4. [*x*] Ibid. Lib. 3. c. 16. [*y*] Ibid. Lib. 3. c. 18. [*z*] Ibid. Lib. 3. c. 18.

Words; a warm Diſpute ariſing about what Names the three Divine Perſons were to be called by; ſome were for calling them only τρία πρόσωπα, Three Perſons, to avoid Arianiſm; others called them τρεῖς ὑποστάσεις, Three Hypoſtaſes, to avoid Sabellianiſm. Now they all meant the ſame thing, but not underſtanding each others Terms, they mutually charged one another with the Hereſies of *Arius* and *Sabellius*. The one Party in the heat of Diſputation could underſtand nothing by Three Hypoſtaſes but Three Subſtances or Eſſences in the *Arian* Senſe; for they made no diſtinction between Hypoſtaſis and Eſſence, and therefore charged their Oppoſites with Arianiſm. The other Party were afraid that τρία πρόσωπα, ſignified no more than Nominal Perſons, in the Senſe of *Sabellius* (who himſelf had uſed thoſe very Terms in an Equivocal Senſe to impoſe upon the Vulgar) and therefore they inveighed againſt their Adverſaries as deſigning to promote Sabellianiſm. And ſo, ſays *Nazianzen* [*a*], this little Difference in Words making a noiſe as if there had been difference in Opinion, the love of Quarrelling and Contention fomenting the Diſpute, the Ends of the Earth were in danger of being divided by a few Syllables. Which when *Athanaſius*, the true Man of GOD, and great Guide of Souls, both ſaw and heard, he could not endure to think of ſo abſurd and unreaſonable a Diviſion among the Profeſſors of the ſame Faith, but immediately applyed a Remedy to the Diſtemper. And how did he make his Application? Having Convened both Parties with all Meekneſs and Humility, and accurately weighed the Intention and Meaning of the Words on both ſides, after he found them agreeing in the things

[*a*] Naz. Orat. 21. de Laud. Athan. T. 1. p. 396.

things themſelves, and not in the leaſt differing in Point of Doctrine, he ended their Diſpute, allowing the Uſe of both Names, and tying them to Unity of Opinion. This, ſays our Author, was a more advantagious Act of Charity to the Church, than all his other daily Labours and Diſcourſes: It was more honourable than all his Watchings and Humicubations, and not inferior to his applauded Flights and Exiles. And therefore he tells his Readers in uſhering in the Diſcourſe, that he could not omit the Relation without injuring them, eſpecially at a Time when Contentions and Diviſions were in the Church; for this Action of his would be an Inſtruction to them that were then alive, and of great advantage, if they would propound it to their own Imitation; ſince Men were prone to divide not only from the Impious, but from the Orthodox and Pious, and that not only about little and contemptible Opinions (which ought to make no Difference) but about Words, that tended to one and the ſame Senſe. The Caution is of Uſe in all Ages; and had it always been ſtrictly obſerved, it would have prevented many wild Diſputes, and fierce Contentions about Words in the Chriſtian Church.

Sect. 10. *Of their Zeal and Courage in Defending the Truth.*

But now we are to obſerve on the other hand, that as they were eminent for their Candor and Prudence in Compoſing Unneceſſary and Verbal Diſputes; ſo where the Cauſe was weighty, and any Material Point of Religion concerned, they were no leſs Famous for their Zeal and Courage, in ſtanding up in the Defence of Truth againſt all Oppoſers. It was neither the Artifice and Subtilty, nor the Power and Malice of their Enemies could make them yield, where they thought the Faith was in danger to be deſtroyed.

ed. In other Cases, says *Nazianzen*, [b] there is nothing so Peaceable, so Moderate as Christian Bishops; but in this Case they cannot bear the Name of Moderation, to betray their GOD by Silence and sitting still; but here they are exceeding eager Warriours, and fighting Champions, that are not to be overcome. He does not mean, that the Weapons of their Warfare were Carnal; that they used any pious Frauds, or plotted Treasons or Rebellions, or took up Arms in Defence of Religion; but that with an undaunted Courage and brave Resolution they stood up firm in Defence of Truth, and mattered not what Names they were called by (Contentious, Unpeaceable, Immoderate, Factious, Turbulent, Incendiaries, or any thing of the like Nature) nor yet what they Suffered in any kind, whilst they contended for that Faith which was once delivered to the Saints. Church-History abounds with Instances of this Nature; but it will be sufficient to Exemplifie the Practice of this Vertue in a single Instance, which *Gregory Nazianzen* [c] gives us in the Life of St. *Basil*, where he relates a Famous Dialogue that passed between *Modestus* the *Arian* Governor under *Valens*, and that holy Man. *Modestus* tryed all Arts to bring him over to the Party, but finding all in Vain, he at last threatned him with Severity. What, said he, dost thou not fear this Power which I am armed with? Why should I fear? said *Basil*, What canst thou do, or what can I Suffer? What canst thou Suffer? said the other, Many things that are in my Power!

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[b] Naz. Orat. 21. de Laud. Athan. p. 388. Οἱ καὶ τἆλλα ἔστιν εἰρηνικοί τε καὶ μέτριοι, τοῦτό γε ἃ φέρεσιν ὑπεικεῖς ἔτι, δεῖν παραδιδόναι διὰ τῆς ἡσυχίας ἀλλὰ, καὶ λίαν εἰσὶν ἐνταῦθα πολεμικοί τε καὶ δύσμαχοι. [c] Naz. Orat. 20. de Laud. Basil. p. 349.

Confiſcation of thy Goods, Baniſhment, Torment, and Death. But thou muſt threaten me with ſomething elſe, ſaid *Baſil*, if thou canſt, for none of theſe things can touch me. As for Confiſcation of Goods, I am not liable to it; for I have nothing to loſe, unleſs thou wanteſt theſe tatter'd and threadbare Garments, and a few Books, which is all the Eſtate I am poſſeſt of. For Baniſhment, I know not what it means, for I am tied to no place; I ſhall eſteem every Country as much my own, as that where I now dwell; for the whole Earth is the LORD's, and I am only a Pilgrim and a Stranger in it. As for Torments, what can they do to him, who has not a Body that can hold out beyond the firſt Stroke? And for Death, it will be a Kindneſs to me, for it will but ſo much the ſooner ſend me unto GOD, to whom I Live and do the Duty of my Station; being in a great Meaſure already Dead, and now of a long time haſtning unto him. The Governour was ſtrangely ſurprized at this Diſcourſe, and ſaid, No Man ever talked at this free and bold rate to *Modeſtus* before. Perhaps, ſaid *Baſil*, thou didſt never meet with a Biſhop before: For if thou hadſt, he would have talked juſt as I do, when he was put to contend about ſuch matters as theſe. In other things we are Mild and yielding, and the humbleſt Men on Earth, as our Laws oblige us to be; We are ſo far from ſhewing our ſelves Supercilious or haughty to Magiſtrates in Power, that we do not do it to Perſons of the meaneſt Rank and Condition. But when the Cauſe of GOD is concerned, or in danger, then indeed we eſteem all other things as nothing, and fix our Eyes only upon him. Then Fire and Sword, Wild Beaſts and Inſtruments of Torture to tear off our Fleſh, are ſo far from being a Terror, that they are rather a Pleaſure and Recreation to us. Therefore

fore Reproach and Threaten us, do your Pleaſure, uſe your Power to the utmoſt, and let the Emperor know all this: Yet you ſhall never conquer us, or bring us to aſſent to your Impious Doctrine, though you threaten us Ten thouſand Times more than all this. The Governour hearing this, and finding him to be a Man of Invincible and Inflexible Courage, diſmiſſed him now not with Threatnings, but with a ſort of Reverence and Submiſſion, and went and told the Emperor, that the Biſhop of that Church was too hard for them all; for his Courage was ſo great, his Reſolution ſo firm, that neither Promiſes nor Threatnings could move him from his Purpoſe. Nor was it only open Violence they thus bravely reſiſted, but alſo the more crafty Attempts of the Enemies of Truth, who many Times went Artificially to Work againſt it; partly by Blackening the Characters of its Champions and Defenders, and repreſenting them as baſe and intolerable Men; and partly by ſmoothing their own Character, and pretending unity in Faith with the Orthodox, and that their Deſigns were only Deſigns of Peace, to remove Un-ſcriptural Words and Novel Terms out of the way, that all Men might be of the ſame Opinion. Theſe were the two grand Artifices of the *Arian* Party, wherby the Leading and Politick Men among them, *Euſebius* of *Nicomedia*, *Valens*, *Urſacius*, and others, always laboured to overthrow the Truth. Upon this account *Athanaſius* was forced to undergoe a thouſand Calumnies and Slanderous Reproaches. He was accuſed to *Conſtantine*, as one that aſſumed to himſelf Imperial Authority to impoſe a Tax upon *Egypt*; as one Guilty of Murder in cutting off the hand of *Arſenius* a *Meletian* Biſhop; as Guilty of Treaſon in ſiding with *Philumenus* the Rebel, and furniſhing him with Money; as an Enemy to the Publick for attempting

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to hinder the Tranſportation of Corn from *Egypt* to *Conſtantinople*: Which Accuſation ſo far prevailed upon the Emperor that he Baniſhed him to *Triers* upon it. In the next Reign he was accuſed again of repeated Murders; and of Sacrilege in diverting *Conſtantine's* Liberality to the Widows of *Egypt* and *Libya*, to other uſes; of Treaſon in joining Intereſt with *Magnentius* the Tyrant; and many other ſuch Charges were Spitefully and Diabolically levelled againſt him. St. *Baſil* was likewiſe variouſly accuſed both by profeſſed Enemies and pretended Friends; who, as is uſual in ſuch Caſes, brought Charges againſt him directly contrary to one another. Some accuſed him of Tritheiſm for defending the Doctrine of three Hypoſtaſes againſt the *Sabellians*; others, of Semiarianiſm, or Heterodoxy in the Article about the Divinity of the Holy Ghoſt, becauſe in his Church he ſometimes uſed a different Form of Doxology from what was uſed in other Churches. Some again accuſed him of Arianiſm, becauſe he had received *Euſtathius* of *Sebaſtia* into Communion upon his Profeſſing the Catholick Faith; others ſaid he communicated with *Apollinaris* the Heretick, becauſe upon ſome occaſions he wrote Letters to him. Thus were two of the greateſt and beſt of Men maliciouſly traduced and wounded in their Reputation; both indeed for the ſame Cauſe, but with this Difference, that the one was proſecuted by open Enemies without the Church, the other chiefly by ſecret Enemies within; of whom therefore he had reaſon to take up the Prophets complaint, and ſay, *Theſe are the Wounds, with which I was wounded in the houſe of my Friends.* And theſe were ſuch Temptations as might have unſettled any weak and wavering Minds, and made them turn their backs upon Religion: But true Zeal is above Temptation, and can equally deſpiſe the Wounds

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of the Sword, and the Wounds of the Tongue; having always the Conſolation, which Chriſt gives in his Goſpel, ready at hand to ſupport it, *Bleſſed are ye when Men ſhall revile you, and perſecute you, and ſhall ſay all manner of evil againſt you falſely for my ſake: Rejoice, and be exceeding glad; for great is your Reward in Heaven.* Such examples ſhew us, that Innocence itſelf cannot always exempt Men from Calumny, but ſometimes is accidentally the Occaſion of it: But then it has this advantage, that being joined with a ſuitable Zeal, it never ſinks under the Weight and Preſſure of its Burden, but always comes off Conqueror at the laſt, as we ſee in the Inſtances now before us.

The other Artifice, which I ſaid the *Arians* uſed to deſtroy the Faith, was the ſpecious Pretence of Peace and Unity. The Politick and Crafty Men among them in the Time of *Conſtantius* pretended, that they had no Quarrel with the Catholick Doctrine of the Trinity itſelf, but only were aggrieved at the Novel, and Unſcriptural Words, ſuch as the ὁμοούσιον Conſubſtantial, *&c.* which the Council of *Nice* had uſed to expreſs it by: Theſe, they ſaid, were Dividing Terms, and the Cauſe of all the Quarrel and Combuſtion: And therefore they ſtill urged the Removing theſe Terms, as the great ſtumbling Block, out of the way, that the Peace and Unity of the Church might follow upon it. But *Athanaſius* and other wiſe Catholicks eaſily perceived whither this ſly Stratagem tended; being very Senſible that their Deſign was not againſt the bare Terms, but the Faith itſelf, and therefore they always ſtoutly and zealouſly oppoſed it. Nor could the *Arians* ever gain this Point upon the Catholicks, till at laſt in the Council of *Ariminum An.* 359. by great Importunity, and Clamours for Unity and Peace, they were prevailed upon to ſink the Word

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Conſubſtantial, and draw up a new Creed without it, yet as they thought, containing the very ſame Doctrine, and in as full Terms as could be expreſſed, ſave that the Word Conſubſtantial was not in it. But here it muſt be owned, theſe Catholick Biſhops were wanting in their Zeal, as they themſelves were quickly after convinced. For no ſooner was this Conceſſion made, but the *Arians* immediately gave out, and boaſted over all the World, that the *Nicene* Faith was condemned, and Arianiſm eſtabliſhed in a general Council, though nothing was leſs intended by the Catholick Biſhops that were preſent at it. But now they were ſenſible they had made a falſe Step, by ſuffering themſelves thus to be impoſed upon by deſigning Men: They now ſaw that they ought to have ſtuck to the *Nicene* Terms, as well as the Faith, ſince the Faith it ſelf ſo much depended on them. They now began to complain of the Fraud, and asked Pardon of their Brethren for their want of Foreſight and Caution in a Caſe ſo tender and Material. St. *Jerom*, who gives us this Account of the whole Tranſaction, from the Acts of the Synod and other Records extant in his Time, brings them in making this Apology for themſelves: The Biſhops, ſays he, [*d*] who had been impoſed upon by Fraud at *Arminum*, and who were reputed Hereticks without being Conſcious to themſelves of any Hereſy, went about every where proteſting by the

[*d*] Hieron. Dial. cont. Lucif. T. 2. p. 143. Concurrebant Epiſcopi, qui Ariminenſibus dolis irretiti, ſine conſcientia Hæretici ferebantur, conteſtantes Corpus Domini, & quicquid in Eccleſia ſanctum eſt, ſe nihil mali in ſua Fide ſuſpicatos. Putavimus, aiebant, ſenſum congruere cum verbis; nec in Eccleſiis ubi ſimplicitas, ubi pura confeſſio eſt, aliud in corde clauſum eſſe, aliud in labiis proferri timuimus. Decepit nos bona de malis exiſtimatio. Non ſumus arbitrati ſacerdotes Chriſti adverſus Chriſtum pugnare. Multaque alia quæ brevitatis ſtudio prætereo, flentes aſſerebant, parati & ſubſcriptionem priſtinam & omnes Arianorum Blaſphemias condemnare.

the Body of Chriſt, and all that is ſacred in the Church, that they ſuſpected no Evil in the Creed: They thought the Senſe had agreed with the Words, and that Men had not meant one thing in their Hearts, and uttered another thing with their Lips. They were deceived by entertaining too good an opinion of baſe and evil Men. They did not ſuppoſe the Prieſts of Chriſt could ſo treacherouſly have fought againſt Chriſt. In ſhort, they lamented their Miſtake now with Tears, and offered to condemn as well their own Subſcription, as all the *Arian* Blaſphemies. Any one that reads St. *Jerom* carefully, will eaſily perceive, that theſe Biſhops were no *Arians*, nor ever intended to ſubſcribe an *Arian* Creed; but their Fault was want of Zeal in parting with the *Nicene* Creed, to take another inſtead of it without the Word Conſubſtantial; which though they ſubſcribed in the Simplicity of their Hearts as an Orthodox Creed (and indeed the Words as *Jerom* deſcribes them, in their plain Senſe are Sound and Orthodox, as St. *Jerom* ſays in their Excuſe) yet the *Arians* put an Equivocal and Poyſonous Senſe upon them; giving out after the Council was ended, that they had not only aboliſhed the Word Conſubſtantial, but with it condemned the *Nicene* Faith alſo. Which was ſtrange ſurprizing News to the Biſhops that had been at *Ariminum*. Then, ſays St. *Jerom*, *Ingemuit totus orbis, & Arianum ſe eſſe miratus eſt*, The whole World groaned, and was amazed to think ſhe ſhould be reputed *Arian*. That is, the Catholick Biſhops of the whole World, (for there were three Hundred of them preſent at that Council) were amazed to find themſelves ſo abuſed, and repreſented as *Arians*, when they never intended in the leaſt to confirm the *Arian* Doctrine. But now by this the Reader will be able to judge, what kind of Zeal the Catholick Church required then in her Clergy, *viz.* That they ſhould not only

only contend for the Faith it ſelf, but alſo for thoſe Catholick Forms and Ways of expreſſing it, which had been prudently compoſed and ſettled in General Councils, as a Barrier againſt Hereticks; the giving up of which to ſubtile and dangerous Adverſaries, would always give them advantage to make fiercer Attacks upon the Faith it ſelf, and prove deſtructive to the Catholick Cauſe; as thoſe Biſhops found by woful Experience, who were concerned in the Conceſſion made at *Ariminum*. 'Tis Candor indeed, when good Catholicks are divided only about Words, to bring them to a right Underſtanding of one another, which will ſet them at Peace and Unity again: But 'tis Tameneſs to give up the main Bulwarks of the Faith to fallacious Adverſaries and deſigning Men, whoſe Arts and Aims, however diſguiſed, are always known to ſtrike at the Foundation of Religion. And therefore though no Man was ever more Candid than *Athanaſius* toward miſtaken Catholicks, yet neither was any more Zealous in oppoſing the Arts and Stratagems of the *Arian* Party; always ſticking cloſe to the Definition of the *Nicene* Council, and never yielding that any Tittle or Syllable of that Creed ſhould be eraſed or altered.

Sect. 11.
Of their Obligations to maintain the Unity of the Church; and of the Cenſure of ſuch as fell into Hereſie or Schiſm.

Whilſt I am upon this Head, I cannot but take notice of the Obligations the Clergy lay under to maintain the Unity of the Church, both in Faith and Diſcipline, and what Penalties were inflicted on ſuch as made a Breach therein, whether by falling into Hereſie or Schiſm themſelves, or giving encouragement to them in others. I ſhall not need to State the Nature of Church Unity and Communion in this Place any farther, than by ſaying, That to maintain the Purity of the Ca-

tholick Faith, and live under the Diſcipline and Government of a Catholick Biſhop, who himſelf lived in Communion with the Catholick Church, were then as it were the two Characteriſtick Notes of any Man's being in the Communion of the Church: And therefore as every Member was obliged to maintain the Unity of the Church in both theſe Parts; ſo much more the Clergy, who were to be the chief Guardians of it: And if they failed in either kind, that is, if they lapſed either into Hereſy or Schiſm, by the Laws of the Church they were to be depoſed from their Office; and though they repented and returned to the Unity of the Church again, yet they were not to act in their former Station, but to be admitted to communicate only in the Quality of Lay-men. This was the Rule of the *African* Church in the time of *Cyprian*, as appears from the Synodical Epiſtle [*e*] of the Council of *Carthage*, to which his Name is prefix'd. For writing to Pope *Stephen*, they tell him, their Cuſtom was to treat ſuch of the Clergy as were ordained in the Catholick Church, and afterward ſtood up perfidiouſly and rebelliouſly againſt the Church, in the ſame manner, as they did thoſe that were firſt ordained by Hereticks; that is, they admitted them to the Peace of the Church, and allowed them the Communion of Lay-men, but did not permit them to officiate again in any Order of the

[*e*] Cypr. Ep. 72. p. 197. Si qui Presbyteri aut Diaconi qui vel in Eccleſia Catholica prius ordinati fuerint, & poſtmodum perfidi ac rebelles contra Eccleſiam ſteterint, vel apud Hæreticos a Pſeudo-Epiſcopis & Antichriſtis contra Chriſti Diſpoſitionem profana Ordinatione promoti ſunt—eos quoque hac conditione ſuſcipi cum revertuntur, ut communicent Laici, & ſatis habeant quod admittuntur ad pacem, qui hoſtes Pacis extiterint, &c.

the Clergy. And this, he ſays, they did to put a Mark of Diſtinction between thoſe that always ſtood true to the Church, and thoſe that deſerted it. Yet if any conſiderable Advantage accrued to the Church, by the Return of ſuch an Heretick or Schiſmatick; as if he brought over any conſiderable part of the deluded People with him; or if he was generally choſen by the Church, or the like; in ſuch Caſes the Rule was ſo far diſpenſed with, that the Deſerter might be admitted to his priſtine Dignity, and be allowed to officiate in his own Order again. Upon this Account *Cornelius* Biſhop of *Rome* received *Maximus* the Presbyter to his former Honour upon his Return [*f*] from the Novatian Schiſm. And in after Ages both the *Novatians* and *Meletians* were particularly favoured with this Privilege by the Council of *Nice*, and the Donatiſts by the *African* Fathers in the time of St. *Auſtin*, as I have had occaſion to note [*] more than once before. But if they continued obſtinate in their Hereſy or Schiſm, then many times an Anathema was pronounced againſt them, as in the 2d Council of *Carthage*. If a Presbyter, ſays the Canon, [*g*] that is reproved or excommunicated by his Biſhop, being puffed up with Pride, ſhall preſume to offer the Oblation in a ſeparate Aſſembly, or ſet up another Altar againſt him, let him be Anathema. The Council of *Antioch*, [*h*] and thoſe called the Apoſtolical Canons [*i*] have ſeveral Decrees of

[*f*] Cornel. Ep. 46. al. 49. ad Cypr. p. 93. Maximum Presbyterum locum ſuum agnoſcere juſſimus. *See other Inſtances in* Socrates, Lib. 7. c. 3. [*] *Book* 4. *Chap.* 7. *Sect.* 7, *and* 8. [*g*] Conc. Carth. 2. c. 8. Si quis forte Presbyter ab Epiſcopo ſuo correptus vel Excommunicatus, tumore vel ſuperbia inflatus, putaverit ſeparatim Deo ſacrificia offerenda, vel aliud erigendum altare— Anathema ſit. [*h*] Conc. Antioch. c. 4, & 5. [*i*] Canon. Apoſt. c. 32.

the like Nature. Yea, ſo careful were the Clergy to be of the Unity of the Church, that they were not to give any Encouragement to Hereticks or Schiſmaticks, or excommunicated Perſons, by communicating with them in Prayer or other Holy Offices of the Church, or ſo much as frequenting their Society, feaſting with them or the like. But I do not enlarge upon theſe things here, becauſe being Matters of Diſcipline, they will come again to be conſidered under that Head in another Place.

I have now gone through ſome of the chief general Duties, which more immediately concerned the Office and Function of the Clergy; and by mixing publick Rules with private Directions and great Examples, have made ſuch an Eſſay towards the Idea and Character of a Primitive Clerk, as may (I hope) in ſome things excite both the Emulation and Curioſity of many of my Readers, who may be concerned to imitate the Pattern I have been deſcribing. If here it be not drawn ſo full, or ſo exactly to the Life in all its Beauties as they could wiſh, they will find their Account in ſatisfying their Curioſity, by having Recourſe to the Fountains themſelves, from whence theſe Materials were taken. For many things, that might here have been added, were purpoſely omitted for fear of drawing out this part of the Diſcourſe to a greater Length, than would conſiſt with the Deſign and Meaſures of the preſent Undertaking: And I had rather be thought to have ſaid too little, than too much, upon this Head, that I might not cloy, but leave an edge upon the Appetite of the Inquiſitive Reader.

CHAP

CHAP. IV.

An Account of ſome other Laws and Rules which were a ſort of Out-Guards and Fences to the former.

HAving thus far Diſcourſed both of ſuch Laws as related to the Life and Converſation of the Primitive Clergy, and of thoſe that more immediately concerned the Duties and Offices of their Function; I come now to ſpeak of a Third ſort of Laws, which were like the Jews *Sepimenta Legis*, a ſort of By-Laws and Rules, made for the Defence and Guard of the two former. Among theſe we may reckon ſuch Laws as were made to fix the Clergy to their proper Buſineſs and Calling; ſuch as that which forbad any Clergyman to deſert or Relinquiſh his Station, without juſt Grounds or Leave granted by his Superiors. In the African Church, as has been ſhewed before, [*] from the time that any Man was made a Reader, or entered in any of the lower Orders of the Church, he was preſumed to be dedicated to the Service of GOD, ſo as thenceforth not to be at liberty to turn Secular again at his own Pleaſure. And much more did this Rule hold for Biſhops, Presbyters and Deacons. Therefore *Cyril* of *Alexandria*, as he is cited by *Harmenopulus*, [*a*] ſays in one

Sect. 1.

No Clergyman allowed to Deſert or Relinquiſh his Station without juſt Grounds and Leave.

[*] *Book* 3. *Chap.* 1. *Sect.* 5. [*a*] Harmenopul. Epitom. Can. ap. Leunclav. Jus Græc. Rom. Tom. 1. p. 11. παρὰ τοὺς ἐκκλησιαστικοὺς θεσμοὺς, τὸ λιβέλλους ἀφεκλήτους παρέχειν τινὰς τῶν ἱερέων, &c.

one of his Canons, that it was contrary to the Laws of the Church for any Prieſt to give in a Libel of Reſignation: For if he be worthy, he ought to continue in his Miniſtry; if he be unworthy, he ſhould not have the Privilege of Reſigning, but be condemned and ejected. The Council of *Chalcedon* orders [*b*] all ſuch to be anathematized, as forſook their Orders to take upon them any Military Office or Secular Dignity, unleſs they repented and returned to the Employment, which for GOD's Sake they had firſt choſen. The Council of *Tours* [*c*] in like Manner decrees, that whoever of the Clergy deſert their Order and Office, to follow a Secular Life and Calling again, ſhall be puniſhed with Excommunication. The Civil Law was alſo very ſevere upon ſuch Deſerters. By an Order of *Arcadius* and *Honorius* [*d*] they are condemned to ſerve in *Curia* all their Lives, that they might never have the Privilege of reſuming the Clerical Life again. And by a Law of *Juſtinian*'s [*e*] both Monks and Clerks ſo deſerting, were to forfeit whatever Eſtate they were poſſeſs'd of, to the Church or Monaſtery to which they belonged.

But

[*b*] Conc. Chalced. c. 7. τοὺς ἅπαξ ἐν κλήρῳ τελαγμένους, μήτε ἐπὶ στρατείαν μήτε ἐπὶ ἀξίαν κοσμικὴν ἔρχεσθαι, &c. [*c*] Conc. Turon. c. 5. Si quis Clericus, relicto Officii ſui Ordine, Laicam voluerit agere vitam, vel ſe Militæ tradiderit, excommunicationis pœna feriatur. [*d*] Cod. Th. Lib. 16. Tit. 2. de Epiſc. Leg. 39. Si qui Profeſſum Sacræ Religionis ſponte dereliquerit, continuo ſibi eum Curia vindicet: Ut liber illi ultra ad Eccleſiam recurſus eſſe non poſſit. [*e*] Cod. Juſtin. Lib. 1. Tit. 3. de Epiſc. Leg. 55. Quod ſi illi Monaſteria aut Eccleſias relinquant, atque Mundani fiant: Omne ipſorum Jus ad Monaſterium aut Eccleſiam pertinet.

Sect. 2.
Yet in ſome Caſes a Reſignation was allowed of.

But this Rule, as it was intended for the Benefit of the Church, to keep the Clergy to their Duty; ſo when the Benefit of the Church, or any other reaſonable Cauſe required the contrary, might be diſpenſed with: And we find many ſuch Reſignations or Renunciations practiſed, and ſome allowed by general Councils. For not to mention the Caſe of Diſability by reaſon of Old-age, Sickneſs, or other Infirmity, in which it was uſual for Biſhops to turn over their Buſineſs to a Coadjutor; of which I have given a full Account in a former Book [*]; there were two other Caſes, which come nearer to the Matter in Hand. One was, when a Biſhop through the Obſtinacy, Hatred, or Diſguſt of any People found himſelf uncapable of doing them any Service, and that the Burthen was an intolerable Oppreſſion to him: In that Caſe, if he deſired to renounce, his Reſignation was accepted. Thus *Gregory Nazianzen* renounced the See of *Conſtantinople*, and betook himſelf to a private Life, becauſe the People grew factious, and murmured at him, as being a Stranger. And this he did with the Conſent and Approbation of the general Council of *Conſtantinople*, as not only the Hiſtorians, *Theodoret* [*f*] and *Socrates* [*g*], but he himſelf teſtifies [*h*] in many Places of his Writings. After the ſame Manner, *Theodoret* ſays [*i*], *Meletius* the famous Biſhop of *Antioch*, when he was Biſhop of *Sebaſtia* in *Armenia*, was ſo offended with the rebellious Temper and Contumacy of a perverſe and froward People, that he abandoned them, and retired likewiſe to a private Life. So *Theodorus Lector* tells

[*] *Book* 2. *Chap.* 13. *Sect.* 4. [*f*] Theod. Lib. 5. c. 8. [*g*] Socrat. Lib. 5. c. 7. [*h*] Naz. Orat. 32. it. Carm. de Vita ſua. [*i*] Theod. Lib. 2. c. 31.

tells us [*k*], how *Martyrius* Biſhop of *Antioch* being offended at the Factiouſneſs of his People and Clergy, upon the Intruſion of *Peter Fullo*, renounced his Church with theſe Words: *A contumacious Clergy, a rebellious People, a prophane Church, I bid adieu to them all, reſerving to my ſelf the Dignity of Prieſthood.* Another Caſe was, when in Charity a Biſhop reſigned, or ſhewed himſelf willing to reſign, to cure ſome inveterate Schiſm. Thus *Chryſoſtom* [*l*] told his People, that if they had any Suſpicion of him, as if he were an Uſurper, he was ready to quit his Government, when they pleaſed, if that was neceſſary to preſerve the Unity of the Church. And ſo *Theodoret* [*m*] tells us, that in the Diſpute between *Flavian* and *Evagrius* the two Biſhops of *Antioch*, when *Theodoſius* the Emperour ſent for *Flavian*, and ordered him to go and have his Cauſe decided at *Rome*: He bravely anſwered, "*Great Sir*, If any accuſe my Faith as erroneous, "or my Life as unqualifying me for a Biſhoprick, "I will freely let my Accuſers be my Judges, and "ſtand to their Sentence, whatever it be: But if "the Diſpute be only about the Throne and Go-"vernment of the Church, I ſhall not ſtay for "Judgment, nor contend with any that has a mind "to it, but freely recede, and abdicate the Throne "of my own accord. And you, *Sir*, may com-"mit the See of *Antioch* to whom you pleaſe. The Emperour looked upon this as a noble and generous Anſwer, and was ſo affected with it, that inſtead of obliging him to go to *Rome*, he ſent him home again, and bad him go feed the Church committed to his Care: Nor would he ever after hearken to

[*k*] Theodor. Lect. Lib. 1. p. 555. [*l*] Chryſ. Hom. 11. in Epheſ. p. 1110. ἕτοιμοι ἀφεῖναι τὰς ἀρχὰς, μόνον ὁμονοίαν ἔσω μία. [*m*] Theod. Lib. 5. c. 23.

to the Biſhops of *Rome*, though they often ſolicited him to expel him. There is one Inſtance more of this Nature, which I cannot omit, becauſe it is ſuch an example of Self-Denial, and deſpiſing of private Intereſt for the publick Good and Peace and Unity of the Church, as deſerves to be tranſmitted to Poſterity, and to be ſpoken of with the higheſt Commendations. It was the Propoſal which *Aurelius* Biſhop of *Carthage* and St. *Auſtin*, with the reſt of the *African* Biſhops made to the Donatiſts at the opening of the Conference of *Carthage*; That to put an End to the Schiſm, wherever there was a Catholick and a Donatiſt Biſhop in the ſame City, they ſhould both of them [*n*] reſign, and ſuffer a new one to be choſen. For why, ſay they, ſhould we ſcruple to offer the Sacrifice of ſuch an Humility to our Redeemer? Did he deſcend from Heaven to aſſume our Nature, and make us his Members? And ſhall we make any Doubt to deſcend from our Chairs, to prevent his Members being torn to pieces by a cruel Schiſm? We Biſhops are ordained for the People of Chriſt. What therefore is moſt conducive to the Peace of Chriſtian People, we ought to do in reference to our Epiſcopacy. If we be profitable Servants, why ſhould we envy the eternal Gain of our Lord for our own Temporal Honours? Our Epiſcopal Dignity will be ſo much the more advantageous to us, if by laying it aſide we gather together the Flock of Chriſt, than if we diſperſe his Flock by retaining it. And with

[*n*] Collat. Carthag. Die 1. c. 16. Utrique de medio ſecedamus --- Quid enim dubitemus Redemptori noſtro ſacrificium iſtius humilitatis offerre? An vero ille de cœlis in membra humana deſcendit, ut membra ejus eſſemus? Et nos, ne ipſa ejus membra crudeli diviſione lanientur, de Cathedris deſcendere formidamus? &c.

with what Face can we hope for the Honour which Chriſt has promiſed us in the World to come, if our Honours in this World hinder the Unity of his Church? By this we ſee there were ſome Caſes, in which it was lawful for Men to renounce even the Epiſcopal Office, and betake themſelves to a private Life: The grand Rule being in theſe and all other Caſes, to do what was moſt for the Benefit and Edification of the Church, and ſacrifice private Intereſt to the Advantage of the Publick.

Sect. 3. *And Canonical Penſions ſometimes granted in ſuch Caſes.*

In theſe Caſes, a Biſhop after he had renounced, was not to intermeddle with the Affairs of the Church to Ordain, or perform any Offices of the like Nature, unleſs he was called to aſſiſt by ſome other Biſhop, or was commiſſioned by him as his Delegate: Yet he was allowed the Title and Honour and Communion of a Biſhop, as the general Council of *Epheſus* [o] determined it ſhould be, in the Caſe of *Euſtathius* Biſhop of *Perga* and Metropolitan of *Pamphylia*, who had renounced his Biſhoprick, being an aged Man, and thinking himſelf unable to diſcharge the Duties of it. In ſuch Caſes likewiſe when any one receded with the Approbation of a Council, he was ſometimes allowed to receive a moderate Penſion out of the Biſhoprick for his Maintenance. As it was in the Caſe of *Domnus* Biſhop of *Antioch*, who having been ejected though unjuſtly by *Dioſcorus* in the 2d Synod of *Epheſus*, yet quietly reſigned the Biſhoprick to *Maximus*: Upon which account *Maximus* deſired leave of the Council of *Chalcedon*, that he

[o] Conc. Epheſ. Act. 7. in Epiſt. ad Synod. Pamphyliæ. Habeat Epiſcopi nomen & honorem ac Communionem, ſic quidem ut neque ipſe ordinet, neque in Eccleſiam propria auctoritate ordinaturus veniat, niſi forte coaſſumatur, &c.

he might allow him an Annual Penſion out of the Revenues of the Church, which the Council of *Chalcedon* [p] readily complied with. And this, as *Richerius* [q] ingeniouſly owns, was the ancient Deſign and Meaning of Canonical Penſions, which were not uſed to be granted but by the Authority or Approbation of a Synod, and only to ſuch as having ſpent the greateſt part of their Life in the Service of the Church, deſired to be disburdened of their Office by reaſon of their Age. For the Reſerving a Penſion out of a Biſhoprick, which a Man only reſigns to take another, was a Practice wholly unknown to former Ages.

Sect. 4.
No Clergyman to remove from one Dioceſs to another without the Conſent and Letters Dimiſſory of his own Biſhop.

2*dly*, Another Rule, deſigned to keep all Clergymen ſtrictly to their Duty, was, That no one ſhould remove from his own Church or Dioceſs, without the Conſent of the Biſhop to whoſe Dioceſs he belonged. For as no one at firſt could be ordained ἀπολελυμένως, but muſt be fix'd to ſome Church at his firſt Ordination; ſo neither, by the Rules and Diſcipline of the Church then prevailing, might he exchange his Station at pleaſure, but muſt have his own Biſhop's Licence, or Letters Dimiſſory, to qualify him to remove from one Dioceſs to another. For this was the ancient Right, which every Biſhop had in the Clergy of his own Church, that he could not be deprived of them without his own Conſent; but as well the Party that deſerted him, as

[p] Conc. Chalced. Act. 7. al. Act. 10. edit. Labbe. Tom. 4. p. 681. [q] Richer. Hiſt. Concil. Par. 1. c. 8. n. 30. p 218. Nihil antiquitus conſuetum fieri niſi Synodice comprobatum; hincque jus Penſionum Canonicarum poteſt confirmari; quæ iis tantum tribui conſueverant, qui magnam vitæ partem in Miniſterio conſumſerant, & propter ætatem ſe exonerabant Epiſcopatu.

as the Biſhop that received him, were liable to be cenſured upon ſuch a Tranſgreſſion. If any Preſbyter, Deacon, or other Clerk, ſay the Apoſtolical Canons [*r*], forſake his own Dioceſs to go to another, and there continue without the Conſent of his own Biſhop, We decree, that ſuch an one ſhall no longer Miniſter as a Clerk (eſpecially if after Admonition he refuſe to return) but only be admitted to Communicate as a Layman. And if the Biſhop, to whom they repair, ſtill entertain them in the Quality of Clergymen, he ſhall be excommunicated as a Maſter of Diſorder. The ſame Rule is frequently repeated in the ancient Councils, as that of *Antioch* [*s*], the 1ſt and 2d of *Arles* [*t*], the 1ſt and 4th of *Carthage* [*u*], the 1ſt of *Toledo* [*w*], and the Council of *Tours* [*x*], and *Turin* [*y*], and the great Council of *Nice* [*z*] to whoſe Canons it may be ſufficient to refer the Reader. I only obſerve, that this was the ancient Uſe of Letters Dimiſſory, or as they were then called, ἀπολυτικαὶ, εἰρηνικαὶ, συστατικαὶ and *Conceſſoriæ*, which were Letters of Licence granted by a Biſhop, for a Clergyman to remove from his Dioceſe to another; though we now take Letters Dimiſſory in another Senſe: But the old Canons call thoſe Dimiſſory Letters, which were given upon the Occaſion that I have mentioned. The Council of *Carthage* gives them only the Name of the Biſhops [*a*] Letters, but the Council of *Trullo* [*b*] ſtiles them expreſly Dimiſſory; when reinforcing all the ancient Canons, it ſays, no Clergyman

[*r*] Canon. Apoſt. c. 15. & 16. Vid. Conc. Chalced. Can. 20. [*s*] Conc. Antioch. c. 3. [*t*] Arelat. 1. c. 22. Arelat. 2. c. 13. [*u*] Conc. Carth. 1. c. 5. Carth. 4. c. 27. [*w*] Conc. Tolet. 1. c. 12. [*x*] Conc. Turon. c. 11. [*y*] Conc. Taurin. c. 6. [*z*] Conc. Nic. c. 16. [*a*] Conc. Carth. 1. c. 5. Non licere Clericum alienum ab aliquo ſuſcipi ſine Literis Epiſcopi ſui, neque apud ſe retinere. [*b*] Conc. Trull. c. 17.

man of what Degree ſoever ſhall be entertained in another Church, ἐκτὸς ἂν τὸ οἰκείου ἐπισκόπου ἐγγράφου ἀπολυτικῆς, without the Dimiſſory Letters of his own Biſhop; which he might grant or refuſe as he ſaw proper occaſion for it. For there was no Law to compel him to grant it, whatever Arts any Clerk might uſe to gain a Diſmiſſion any other way. St. *Auſtin* mentions a pretty ſtrange Caſe of this Nature, that happened in his own Dioceſs. One *Timotheus* a Subdeacon of his Church, being deſirous to leave his Poſt under St. *Auſtin*, and go to *Severus* a Neighbouring Biſhop, proteſts upon Oath to *Severus* that he would be no longer of St. *Auſtin*'s Church: Upon this *Severus* pretending a Reverence for his Oath, writes to St. *Auſtin*, and tells him, he could not return him his Clerk for fear of making him Guilty of Perjury. To which St. *Auſtin* replied, That this opened a way to Licentiouſneſs, and there was an End of [c] all Eccleſiaſtical Order and Diſcipline, if a Biſhop would pretend to keep another Man's Clerk upon ſuch a Scruple, for fear of being Acceſſory to his Perjury. This evidently implies, that there was no Law then to compel a Biſhop to grant Letters Dimiſſory to his Clerk; for if there had been any ſuch, *Timotheus* needed not to have uſed the Stratagem of an Oath, but might have compelled St. *Auſtin* to have granted them. But the Church then did not think fit to put it in every Man's Power to remove from one Dioceſs to another at his own Pleaſure, but left every Biſhop ſole Judge in this Caſe, as beſt knowing the Neceſſities

[c] Aug. Ep. 240. ad Severum. Aditus aperitur ad diſſolvendum ordinem Eccleſiaſticæ Diſciplinæ, ſi alterius Eccleſiæ Clericus cuicunque juraverit, quod ab ipſo non ſit receſſurus, eum ſecum eſſe permittat; ideo ſe facere affirmans, ne author ſit ejus Perjurij, &c.

ſities and Circumſtances of his own Church, and whether it were expedient to part with the Clergy which were ordained for her Service.

Sect. 5. *Laws againſt the* Βαλάνλιϛοι, *or wandering Clergy.*

The Laws were no leſs ſevere againſt all wandring Clergymen, whom ſome of the Ancients call Βαλάνλιϛοι, [*d*] or *Vacantivi*, by way of Reproach. They were a ſort of Idle Perſons, who having deſerted the Service of their own Church, would fix in no other, but went roving from Place to Place, as their Fancy and their Humour led them. Now by the Laws of the Church no Biſhop was to permit any ſuch to officiate in his Dioceſs, nor indeed ſo much as to communicate in his Church; becauſe having neither Letters Dimiſſory, nor Letters Commendatory from their own Biſhop (which every one ought to have that travelled) they were to be ſuſpected either as Deſerters, or as Perſons guilty of ſome Miſdemeanor, who fled from Eccleſiaſtical Cenſure. Therefore the Laws forbad the admitting of ſuch either to Eccleſiaſtical or Lay-Communion. A Presbyter or Deacon, ſays the Council of *Agde* [*e*], that rambles about without the Letters of his Biſhop, ſhall not be admitted to Communion by any other. The Council of *Epone* [*f*] repeats the Decree in the ſame Words. And the Council of *Valentia* [*g*] in *Spain* orders ſuch wandering and roving Clerks, as will not ſettle to the conſtant Performance and Attendance of Divine Offices in the Church, whereto they were deputed

[*d*] Syneſ. Ep. 67. [*e*] Conc. Agathen. c. 52. Presbytero ſive Diacono ſine Antiſtitis ſui Epiſtolis ambulanti communionem nullus impendat. [*f*] Conc. Epaunenſ. c. 6. [*g*] Conc. Valentin. c. 5. Vagus atque inſtabilis Clericus, ſi Epiſcopi, a quo ordinatus eſt, præceptis non obedierit, ut in delegata ſibi Eccleſia officium dependat aſſiduum, quouſque in vitio permanſerit, & Communione & Honore privetur.

deputed by the Biſhop that ordained them, to be deprived both of the Communion and the Honour of their Order, if they perſiſted in their Obſtinacy and Rebellion. So ſtrict were the Laws of the ancient Church in tying the inferior Clergy to the Service of that Church, to which they were firſt appointed, that they might not upon any account move thence, but at the Diſcretion of the Biſhop that ordained them.

Sect. 6. *Laws againſt the Tranſlations of Biſhops from one See to another, how to be limited and underſtood.*

Nor were the Biſhops ſo Arbitrary in this Matter, but that they themſelves were under a like Regulation, and liable to Laws of the ſame Nature. For as no Clerk could remove from his own Church without the Licence of his Biſhop: ſo neither might any Biſhop pretend to tranſlate or move himſelf to another See, without the conſent and approbation of a Provincial Council. Some few there were, who thought it abſolutely unlawful for a Biſhop to forſake his firſt See, and betake himſelf to any other; becauſe they looked upon his Conſecration to be a ſort of Marriage to his Church, from which he could not divorce himſelf, nor take another without incurring the Crime of Spiritual Adultery. To this purpoſe they wreſted that Paſſage of St. *Paul*, *A Biſhop muſt be the Huſband of one Wife*, taking it in a myſtical and figurative Senſe, as St. *Jerom* [*b*] informs us. But this was but the private Opinion of one or two Authors, which never prevailed in the Catholick Church; whoſe Prohibition of the Tranſlation of Biſhops was not founded upon any ſuch Reaſons, but

[*b*] Hieron. Ep. 83. ad Oceanum, Tom. 2. p. 321. Quidam coacte interpretantur uxores pro Eccleſiis, viros pro Epiſcopis debere accipi, &c.

but was only intended as a cautionary Proviſion to prevent the Ambition of aſpiring Men; that they might not run from leſſer Biſhopricks to greater, without the Authority of a Provincial Synod, which was the proper Judge in ſuch Caſes. Some Canons indeed ſeem to forbid it abſolutely and univerſally, as a thing not to be allowed in any Caſe. The Council of *Nice* [*i*] and *Sardica* [*k*] and ſome others prohibit it without any Exception or Limitation. But other Canons reſtrain it to the Caſe of a Biſhop's intruding himſelf into another See by ſome ſiniſter Arts, without any legal Authority from a Provincial Synod. So theſe called the Apoſtolical Canons [*l*] diſtinguiſh upon the Matter: It ſhall not be lawful for a Biſhop to leave his Dioceſe, and invade another, though many of the People would compel him to it: Unleſs there be a reaſonable Cauſe, as that he may the more advantage the Church by his Preaching: and then he ſhall not do it of his own head, but by the Judgment and Entreaty of many Biſhops, that is, a Provincial Synod. The 4th Council of *Carthage* diſtinguiſhes [*m*] much after the ſame manner: A Biſhop ſhall not remove himſelf from an obſcure to a more honourable Place out of Ambition: But if the Advantage of the Church require it, he may be tranſlated by the Order and Decree of a Provincial Synod. *Schelſtrate* [*n*] and ſome other learned Perſons think, that theſe Canons were a Correction of the

[*i*] Conc. Nic. c. 15. [*k*] Conc. Sardic. c. 1 & 2. Conc. Antioch. Can. 21. Conc. Carthag. 3. c. 38. [*l*] Canon. Apoſt. c. 14. [*m*] Conc. Carth. 4. c. 27. Ut Epiſcopus de loco ignobili ad nobilem per ambitionem non tranſeat.- Sane ſi id utilitas Eccleſiæ fiendum popoſcerit, Decreto pro eo Clericorum & Laicorum Epiſcopis porrecto, per ſententiam Synodi transferatur. [*n*] Schelſtrat. de Concil. Antioch. Can. 21. p. 614.

the former; the one allowing what the other had positively forbidden. But this is not at all probable; It is more reasonable to think, that though in the *Nicene* and *Sardican* Canons these Exceptions are not expressed, yet they are to be understood: because the Council of *Nice* itself translated *Eustathius* Bishop of *Berœa* to *Antioch*, as Mr. *Pagi* [o] rightly observes out of *Sozomen*, [p] and other Historians of the Church: Which had been to break and affront their own Rule at the very first, had it meant, that it should not be lawful in any Case to translate a Bishop from one See to another. We must conclude then, that the Design of all these Canons was the same, to prevent Covetousness, Ambition, and love of Preheminence in aspiring Men, who thrust themselves into other Sees by irregular Means, by a Faction, or the meer Favour of the People, without staying for the Choice or Consent of a Synod: Which was the common Practice of the *Arian* Party in the time of *Constantine* and *Constantius*, and occasion'd so many Laws to be made against it. But when a Synod of Bishops in their Judgment and Discretion thought it necessary to translate a Bishop from a lesser to a greater See, for the Benefit and Advantage of the Church, there was no Law to prohibit this, but there are a thousand Instances of such Promotions to be met with in ancient History, as *Socrates* [q] has observed long ago, who has collected a great many Instances to this Purpose. Those that please may see more in *Cotelerius* [r] and Bishop *Beveridge* [s]: For in so plain a Case I do not think it necessary to be more particular in my

[o] Pagi Critic. in Baron. an. 314. n. 22. [p] Sozom. Lib. 1. c. 2. [q] Socrat. Lib. 7. c. 36. [r] Coteler. Not. in Can. Apost. c. 14. [s] Bevereg. Not. in eundem Canon.

Account of them, but proceed with other Laws of the Church, which concerned the Clergy.

Sect. 7. *Laws concerning the Reſidence of the Clergy.*

The next Laws of this nature were ſuch as concerned the Reſidence of the Clergy; the Deſign of which was the ſame as all the former, to bind them to conſtant Attendance upon their Duty. And theſe Laws equally concerned Biſhops and all the inferior Clergy. The Council of *Sardica* has ſeveral Canons relating to this matter. The 7th decrees, That no Biſhop ſhould go εἰς παλάτιον, to the Emperor's Court, unleſs the Emperor by Letter called him thither. The next Canon [*t*] provides, That whereas there might be ſeveral Caſes, which might require a Biſhop to make ſome Application to the Emperor in behalf of the Poor, or Widows, or ſuch as fled for Sanctuary to the Church, and condemned Criminals, and the like: In ſuch Caſes the Deacons or Subdeacons of the Church were to be employed to go in his Name, that the Biſhop might fall under no Cenſure at Court, as neglecting the Buſineſs of his Church. *Juſtinian* [*u*] has a Law of the ſame Import with theſe Canons, That no Biſhop ſhould appear at Court upon any Buſineſs of his Church without the Command of the Prince: but if any Petition was to be preferred to the Emperor, relating to any Civil Conteſt, the Biſhop ſhould depute his *Apocriſarius*, or Reſident at Court, to act for him, or ſend his *Oeconomus*, or ſome other of his Clergy to ſollicite the Cauſe in his Name; that the Church might neither receive Damage by his Abſence, nor be put to unneceſſary Expences. Another Canon [*w*] of the Council of *Sardica* limits

[*t*] Conc. Sardic. c. 8. [*u*] Juſt. Novel. 6. c. 2. [*w*] Conc. Sardic. c. 11.

limits the Abſence of a Biſhop from his Church to Three Weeks, unleſs it were upon ſome very weighty and urgent Occaſion. And another Canon [x] allows the ſame time for a Biſhop, who is poſſeſs'd of an Eſtate in another Dioceſe, to go and collect his Revenues, provided he celebrate Divine Service every Lord's Day in the Country-Church where his Eſtate lies. And by two other Canons [y] of that Council, Presbyters and Deacons are limited to the ſame Term of Abſence, and tied to the forementioned Rules in the ſame manner as Biſhops were. The Council of *Agde* [z] made the like Order for the *French* Churches, decreeing, That a Presbyter or Deacon, who was abſent from his Church for Three Weeks, ſhould be Three Years ſuſpended from the Communion. In the *African* Churches, upon the Account of this Reſidence, every Biſhop's Houſe was to be near the Church [a] by a Rule of the 4th Council of *Carthage*. And in the 5th Council there is another Rule, [b] that every Biſhop ſhall have his Reſidence at his Principal or Cathedral Church, which he ſhall not leave, to betake himſelf to any other Church in his Dioceſe; nor continue upon his Private Concerns, to the neglect of his Cure, and hinderance of his frequenting the Cathedral Church. From this it appears, that the City-Church was to be the chief Place of the Biſhop's Reſidence and Cure: And *Ca-*

[x] Conc. Sardic. c. 12. [y] Conc. Sardic. c. 16, & 17. [z] Conc. Agathen. c. 64. Diaconus vel Presbyter, ſi per tres Hebdomadas ab Eccleſia ſua defuerit, triennio à Communione ſuſpendatur. [a] Conc. Carthag. 4. c. 14. Ut Epiſcopus non longe ab Eccleſia Hoſpitiolum habeat. [b] Conc. Carth. 5. c. 5. Placuit ut nemini ſit facultas, relicta Principali Cathedra, ad aliquam Eccleſiam in Diœceſi conſtitutam ſe conferre: vel in re propria diutius quam oportet conſtitutum, curam vel frequentationem propriæ Cathedræ negligere.

baſſutius [c] in his Remarks upon this Canon reflects upon the *French* Biſhops, as tranſgreſſing the ancient Rule, in ſpending the greateſt part of the Year upon their Pleaſure in the Country. Yet there it one thing that ſeems a Difficulty in this Matter; for *Juſtinian* [d] ſays, no Biſhop ſhall be abſent from his Church above a whole Year, unleſs he has the Emperor's Command for it. Which implies that a Biſhop might be abſent from his Biſhoprick a Year in ordinary Caſes, and more in Extraordinary. But I conceive, the meaning of this is, that he might be abſent a Year during his whole Life; not Year after Year; for that would amount to a perpetual Abſence, which it was not the intent of the Law to grant, but to tie them up to the direct contrary, except the Prince upon ſome extraordinary Affair thought fit to grant them a particular Diſpenſation.

Sect. 8.
Of Pluralities and the Laws made about them.

Another Rule, grounded upon the ſame Reaſons with the former, was the Inhibition of Pluralities; which concerned both Biſhops, and the Inferior Clergy. As to Biſhops, it appears plainly from St. *Ambroſe*, that it was not thought lawful for a Biſhop to have two Churches. For ſpeaking of thoſe Words of the Apoſtle, *A Biſhop muſt be the Husband of one Wife*, he ſays, If we look only [e] to the Superficies of

[c] Cabaſſut. Notit. Concil. c. 44. Huic Canoni contraveniunt Epiſcopi, qui magna parte anni rure verſantur & deliciantur. [d] Juſtin. Novel. 6. c. 2. Et illud etiam definimus, ut nemo Deo amabilium Epiſcoporum foris à ſua Eccleſia pluſquam per totum annum abeſſe audeat, niſi hoc per Imperialem fiat juſſionem. [e] Ambroſ. de Dignit. Sacerd. c. 4. Si ad ſuperficiem tantum Literæ reſpiciamus, prohibet Bigamum Epiſcopum ordinari: Si vero ad altiorem ſenſum conſendimus, inhibet Epiſcopum duas uſurpare Eccleſias.

of the Letter, it forbids a Bigamiſt to be ordained Biſhop; but if we penetrate a little deeper to the Profounder Senſe, it prohibits a Biſhop to have two Churches. That is, wherever there were two Dioceſes before, it was not lawful for one Biſhop to uſurp them both, except where the Wiſdom of the Church and State thought it more convenient to joyn them into one. And it is remarkable, that though there be many Inſtances of Biſhops removing from leſſer Sees to greater; yet there is no Example in all ancient Hiſtory, that I remember, of any ſuch Biſhops holding both together; no not among the *Arians* themſelves, who were the leaſt concerned in obſerving Rules of any other. As to the Caſe of the Inferior Clergy, we muſt diſtinguiſh betwixt Dioceſan and Parochial Churches, and between the Office and the Benefit in Parochial Churches. The Circumſtances and Neceſſities of the Church might ſometimes require a Presbyter or Deacon to officiate in more than one Parochial Church, when there was a ſcarcity of Miniſters; but the Revenues of ſuch Churches did not thereupon belong to him, becauſe they were paid into the Common Stock of the City or Cathedral Church, from whence he had his monthly or yearly Portion in the Diviſion of the whole, as has been noted before. And this makes it farther evident, that in thoſe early Ages there could be no ſuch thing as Plurality of Benefices, but only a Plurality of Offices in the ſame Dioceſe, within ſuch a Diſtrict, as that a Man might Perſonally attend and officiate in two Parochial Churches. But then as to different Dioceſes, it being ordinarily impoſſible that a Man ſhould attend a Cure in two Dioceſes, the Canons are very expreſs in prohibiting any one from having a Name in two Churches, or partaking of the Revenues of both. The Council

of *Chalcedon* [*f*] has a peremptory Canon to this purpose: It shall not be lawful for any Clergyman to have his Name in the Church-Roll or Catalogue of two Cities at the same Time, that is, in the Church where he was first ordained, and any other to which he flies out of Ambition as to a greater Church; but all such shall be returned to their own Church, where they were first ordained, and only minister there. But if any one is regularly removed from one Church to another, he shall not partake of the Revenues of the former Church, or of any Oratory, Hospital or Alms-house belonging to it. And such as shall presume, after this Definition of this great and Oecumenical Council, to transgress in this matter, are condemned to be degraded by the holy Synod. And that none might pretend under any other notion to evade this Law, the same Rule was made for Monasteries, that one Abbot should not preside over two Monasteries at the same time. Which Provision is made by the Council of *Agde* [*g*] and *Epone*, and confirmed by the Imperial Laws of *Justinian*, [*h*] who inserted it into his Code. Now the Design of all these Laws was to oblige the Clergy to constant Attendance upon their Duty in the Church where they were first ordained; from which if they once remov'd, whether with Licence or without, to any other Dioceſe, they were no longer to enjoy any Dividend in the Church or Dioceſe, to which they first belonged. And this Rule continued for several Ages after the Council of

[*f*] Conc. Chalced. c. 10. μὴ ἐξεῖναι κληρικὸν ἐν δύο πόλεων κατ' αὐτὸν καλεῖσθαι ἐκκλησίαις, &c. [*g*] Conc. Agathen. c. 57. Unum Abbatem duobus Monasteriis interdicimus præsidere. Vid. Conc. Epaunens. c. 9. [*h*] Cod. Just. Lib. 1. Tit. 3. de Episc. Leg. 40. Non sit vero Abbas duorum Monasteriorum.

of *Chalcedon*, being renewed in the ſecond Council of *Nice* [*i*] and other later Councils.

Sect. 9. *Laws prohibiting the Clergy to take upon them Secular Buſineſs, and Offices.*

In purſuance of the ſame Deſign, to keep the Clergy ſtrict and conſtant to their Duty, Laws were alſo made to prohibit them from following any Secular Employment, which might divert them too much from their proper Buſineſs and Calling. Among thoſe called the Apoſtolical Canons there are three to this purpoſe. One of which [*k*] ſays, No Biſhop, Preſbyter, or Deacon ſhall take upon him any worldly Cares, under Pain of Degradation. Another ſays [*l*], No Biſhop or Presbyter ſhall concern himſelf in any Secular Offices or Adminiſtrations, that he may have more time to attend the Needs and Buſineſs of the Church; and this under the ſame Penalty of Degradation. The laſt [*m*] ſays, A Biſhop, Presbyter or Deacon, that buſies himſelf in any Secular Office, and is minded to hold both a Place in the *Roman* Government and an Office in the Church, ſhall be depoſed. For the things of *Cæſar* belong to *Cæſar*, and the things of GOD to GOD. *Balſamon* and *Zonaras* take this Canon to mean only the Prohibition of holding Military Offices, becauſe it uſes the Word στρατεία: But I have ſhewed before out of *Gothofred* and others, that the Word στρατεία and Militia are uſed by the *Romans* in a larger Signification, to denote all kinds of Secular Offices, as well Civil as Military: And therefore they more rightly interpret this Canon [*n*], who underſtand

[*i*] Conc. Nic. 2. c. 15. [*k*] Can. Apoſt. c. 7. κοσμικὰς ὑποθέσεις μὴ ἀναλαμβανέτω. εἰ δὲ μὴ, καθαιρέσθω. [*l*] Ibid. c. 81. ὅτι μὴ χρὴ ἐπίσκοπον ἢ πρεσβύτερον καθίστασθαι ἑαυτὸν εἰς δημοσίας διοικήσεις, &c. [*m*] Ibid. c 83. στρατεία χολάζων, καὶ βαλίμως ἀμφότερα κατέχειν, Ῥωμαϊκὴν ἀρχὴν καὶ ἱερατικὴν διοίκησιν, καθαιρείσθω. [*n*] Beveregi Not. in Can. Apoſt. c. 83.

it as a Prohibition of holding any Secular Office, Civil as well as Military, with an Eccleſiaſtical one, as things incompatible and inconſiſtent with one another. *Euſebius* [o] informs us from the Epiſtle of the Council of *Antioch*, that depoſed *Paulus Samoſatenſis*, that among other Crimes alledged againſt him, this was one, That he took upon him Secular Places, and preferred the Title of *Ducenarius* before that of Biſhop. The *Ducenarij* among the *Romans* were a ſort of Civil Officers, ſo called from their receiving a Salary of two hundred *Seſtertia* from the Emperor, as *Valeſius* obſerves [p] out of *Dio*. And this makes it plain, that the Intent of the Canons was to prohibit the Clergy from medling with Civil Offices, as well as Military. Only in ſome extraordinary Caſes, where the matter was a Buſineſs of great Neceſſity or Charity, we meet with an Inſtance or two of a Biſhop's joining an Eccleſiaſtical and Civil Office together without any Cenſure. As *Theodoret* [q] notes of the Famous *Jacobus Niſibenſis*, that he was both Biſhop and Prince or Governor of *Niſibis*, or *Antioch* in *Mygdonia*, a City in the Confines of the *Perſian* and *Roman* Empires. *Theodoret* repreſents him as a Man of great Fame in his Country for his Miracles, by which he ſometimes relieved the City when Beſieged by the *Perſians*: And 'tis probable, in regard to this, the Emperors *Conſtantine* and *Conſtantius* pitched upon him as the propereſt Perſon to take the Government of the City upon him, being a Place in great danger and very much expoſed to the Incurſions

[o] Euſeb. Lib. 7. c. 30. κοσμικὰ ἀξιώματα ὑποδυόμενος, ἢ Δεκηνάριος μᾶλλον ἢ ἐπίσκοπος θέλων καλεῖσθαι. [p] Valeſius in Loc. Ducenarij dicebantur Procuratores, qui ducenta Seſtertia annui Salarij nomine accipiebant à Principe, ex Dione Lib. 53. [q] Theod. Lib. 2 c. 30.

curſions of the *Perſians*. But ſuch Inſtances are but rarely met with in ancient Hiſtory.

Sect. 10.
Laws prohibiting the Clergy to be Tutors and Guardians, how far extended.

In ſome times and places the Laws of the Church were ſo ſtrict about this matter, that they would not ſuffer a Biſhop or Presbyter to be left Truſtee to any Man's Will, or a Tutor or Guardian in purſuance of it, becauſe it was thought this would be too great an Avocation from his other Buſineſs. There is a famous Caſe in *Cyprian* relating to this matter. He tells us, it had been determined by an *African* Synod, that no one ſhould appoint any of GOD's Miniſters a Curator or Guardian by his Will, becauſe they were to give themſelves to Supplications and Prayer, and to attend only upon the Sacrifice and Service of the Altar. And therefore, when one *Geminius Victor* had made *Geminius Fauſtinus*, a Presbyter of the Church of *Furni*, Guardian or Truſtee by his laſt Will and Teſtament, contrary to the Decree of the foreſaid Council, *Cyprian* [r] wrote to the Church of *Furni*, that they ſhould execute the Sentence of the Council againſt *Victor*, which was, that no Annual Commemoration ſhould be made of him in the Church, nor any Prayer be offered in his Name (according to the Cuſtom of the Church in thoſe Times) in the Sacrifice of the Altar. This was a ſort of Excommunication after Death, by denying to receive ſuch a perſon's Oblations, and refuſing to name him at the Altar among others that made their Offerings, and neither ho-

[r] Cypr. Ep. 66. al. 1. ad Cler. Furnitan. p. 3. Ideo Victor cum contra formam nuper in Concilio à Sacerdotibus datam, Geminium Fauſtinum Presbyterum auſus ſit Tutorem conſtituere, non eſt quod pro dormitione ejus apud vos fiat Oblatio, aut deprecatio aliqua nomine ejus in Eccleſia frequentetur.

honouring him with the common Prayers or Praiſes that were then put up to GOD for all the Faithful that were dead in the Lord. This was the Puniſhment of ſuch as tranſgreſſed this Rule in the days of *Cyprian*. And in the following Ages the Canon was renewed, but with a little difference. For though Biſhops were abſolutely and univerſally forbidden [*s*] to take this Office upon them, both by the Eccleſiaſtical and Civil Law; yet Presbyters and Deacons, and all the Inferior Clergy were allowed to be Tutors and Guardians to ſuch perſons, as by right of Kindred [*t*] might claim this as a Duty from them: but ſtill the Prohibition ſtood in force againſt their being concerned in that Office for any other, that were not of their Relations, as appears from one of *Juſtinian*'s Novels, which was made to ſettle this matter in the Church.

Sect. 11.

Laws againſt their being Sureties, and pleading Cauſes at the Bar in behalf of themſelves or their Churches.

By other Laws they were prohibited from taking upon them the Office of Pleaders at the Bar in any Civil Conteſt, though it were in their own Caſe, or the concerns of the Church: Neither might they be Bondſmen or Sureties for any other Man's Appearance in ſuch Cauſes, becauſe it was thought that ſuch ſort of Incumbrances might bring detriment to the Church, in diſtracting her Miniſters from conſtant Attendance upon Divine Service, as appears both from the

[*s*] Conc. Carthag. 4. c. 18. Ut Epiſcopus Tuitionem Teſtamentorum non ſuſcipiat. [*t*] Juſt. Novel. 123. c. 5. Epiſcopos & Monachos ex nulla lege Tutores aut Curatores cujuſcunque perſonæ fieri concedimus. Presbyteros autem & Diaconos & Subdiaconos, ſi jure ac lege cognationis ad Tutelam aut Curam vocentur, ejuſmodi munus ſuſcipere concedimus. Vid. Concil. Chalced. c. 3.

the foreſaid Novel [u] of *Juſtinian*, and ſome ancient Canons, [w] which forbid a Clergy-man to become a Sponſor in any ſuch Cauſe under the Penalty of Deprivation.

Sect. 12. *Laws againſt their following Secular Trades and Merchandiſe.*

Now as all theſe Offices and Employments were forbidden the Clergy upon the Account of being Conſumers of their Time, and Hindrances of Divine Service: ſo there were ſome others prohibited, not only upon this Account, but alſo upon the Notion of their being generally attended with Covetouſneſs and filthy Lucre. Thus in the firſt Council of *Carthage* [x] we find ſeveral Prohibitions of Clergymens becoming Stewards or Accomptants to Laymen. The Third Council [y] forbids both that, and alſo their taking any Houſes or Lands to Farm, and generally all Buſineſs that was diſreputable and unbecoming their Calling. The Second Council of *Arles* [z] likewiſe forbids their farming other Mens Eſtates, or following any Trade or Merchandiſe for filthy Lucres ſake, under the Penalty of Deprivation. The General Coun-

[u] Juſt. Novel. 123. c. 6. Sed neque Procuratorem litis, aut Fidejuſſorem pro talibus cauſis Epiſcopum, aut alium Clericum, proprio nomine, aut Eccleſiæ ſinimus: Ne per hanc occaſionem ſacra Miniſteria impediantur. [w] Canon. Apoſt. c. 20. Κληρικὸς ἐγγύας δίδους, καθαιρέσθω. Vid. Conſtitut. Apoſt. lib. 2. c. 6. [x] Conc. Carth. 1. c. 6. Qui ſerviunt Deo, & annexi ſunt Clero, non accedant ad Actus ſeu Adminiſtrationem vel Procurationem domorum. Ibid. c. 9. Laicis non liceat Clericos noſtros eligere Apothecarios vel Ratiocinatores. [y] Conc. Carth. 3. c. 15. Clerici non ſint Conductores, neque Procuratores, neque ullo turpi vel inhoneſto negotio victum quærant. [z] Conc. Arelat. 1. al. 2. c. 14. Siquis Clericus conductor alienæ rei voluerit eſſe aut turpis lucri gratia aliquod genus negotiationis exerquerit, depoſitus à Clero, à Communione alienus habeatur.

Council of *Chalcedon* [*a*] has a Canon to the ſame purpoſe, That no Monk or Clergyman ſhall rent any Eſtate, or take upon him the management of any Secular Buſineſs, except the Law called him to be Guardian to Orphans (in the Caſe that has been ſpoken of before, as being their next Relation) or elſe the Biſhop made him Steward of the Church-Revenues, or Overſeer of the Widows, Orphans, and ſuch others as ſtood in need of the Churches Care and Aſſiſtance. And here the Reaſon given for making this Canon, is, That ſome of the Clergy were found to neglect the Service of GOD, and live in Laymens Houſes as their Stewards, for Covetouſneſs and filthy Lucres ſake; which was an old Complaint made by *Cyprian* [*b*] in that ſharp Invective of his againſt ſome of the Biſhops of his own Age, who were ſo far gone in this Vice of Covetouſneſs, as to neglect the Service of GOD to follow Worldly Buſineſs; leaving their Sees, and deſerting their People, to ramble in queſt of gainful Trades in other Countries, to the provocation of the Divine Vengeance, and flagrant Scandal of the Church. So that theſe being the Reaſons of making ſuch Laws, we are to judge of the Nature of the Laws themſelves by the Intent and Deſign of them; which was to correct ſuch manifeſt Abuſes as Covetouſneſs and neglect of Divine Service, which, either as Cauſe or Effect, too often attended the Clergies engagement of themſelves in Secular Buſineſs.

But

[*a*] Conc. Chalced. c. 3. [*b*] Cypr. de Lapſis p. 123. Epiſcopi plurimi Divina Procuratione contempta, Procurat res rerum Sæcularium fieri, derelicta Cathedra, plebe deſerta, per alienas Provincias oberrantes, negotiationis quæſtuoſæ nundinas aucupari, &c.

Sect. 13. *What Limitations and Exceptions theſe Laws admitted of.*

But in ſome Caſes it was reaſonable to preſume, that their Engagements of this Nature were ſeparate from theſe Vices. For in ſome Times and Places, where the Revenues of the Church were very ſmall, and not a competent Maintenance for all the Clergy, ſome of them, eſpecially among the Inferior Orders, were obliged to divide themſelves between the Service of the Church and ſome Secular Calling. Others, who found they had time enough to ſpare, negotiated out of Charity, to beſtow their Gains in the Relief of the Poor, and other pious Uſes; and ſome, who before their entrance into Orders, had been brought up to an Aſcetick and Philoſophick Life, wherein they wrought at ſome honeſt manual Calling with their own hands, continued to work in the ſame manner, though not in the ſame meaſure, even after they were made Presbyters and Biſhops in the Church, for the Exerciſe of their Humility, or to anſwer ſome other End of a Chriſtian Life. Now in all theſe Caſes, the Vices complained of in the forementioned Laws, as the Reaſons of the Prohibition, had no Share or Concern: for ſuch Mens Negotiations were neither the Effects of Covetouſneſs, nor attended properly with any neglect of Divine Service; and conſequently not within the Prohibition and Cenſure of the Laws. For firſt, both the Laws of Church and State allowed the Inferiour Clergy to work at an honeſt Calling in Caſes of Neceſſity, to provide themſelves of a liberal Maintenance, when the Revenues of the Church could not do it.

In

In the Fourth Council of *Carthage* [*c*] there are three Canons immediately following one another to this purpoſe, That they ſhould provide themſelves of Food and Rayment at ſome honeſt Trade or Huſbandry, without hindring the Duties of their Office in the Church: And ſuch of them as were able to labour, ſhould be taught ſome Trade and Letters together. And the Laws of the State were ſo far from hindring this, that they encourag'd ſuch of the Clergy to follow an honeſt Calling, by granting them a ſpecial Immunity from the *Chryſargyrum*, or Luſtral Tax, which was exacted of all other Tradeſmen, as I have ſhewed more at large in another [*] place. *Secondly*, It was lawful alſo to ſpend their leiſure Hours upon any Manual Trade or Calling, when it was to anſwer ſome good End of Charity thereby: As, that they might not be over burthenſom to the Church, or might have ſome Superfluities to beſtow upon the Indigent and Needy; or even that they might ſet the Laity a provoking Example of Induſtry and Diligence in their Callings; which were thoſe worthy Ends which the holy Apoſtle St. *Paul* propoſed to himſelf in labouring with his own Hands at the Trade of Tent-making; after whoſe Example many eminent Biſhops of the ancient Church were not aſhamed to employ their ſpare Hours in ſome honeſt Labour, to promote the ſame Ends of Charity which the Apoſtle ſo frequently inculcates. Thus *Sozomen* obſerves [*d*] of *Zeno* Biſhop of *Maiuma* in *Paleſtine*, that he lived to be

[*c*] Conc. Carth. 4. c. 51. Clericus quantumlibet verbo Dei eruditus, artificio victum quærat. Ibid. c. 52. Clericus victum & veſtimentum ſibi, artificiolo vel agricultura, abſque Officii ſui duntaxat detrimento, præparet. Ibid. c. 53. Omnes Clerici qui ad operandum validi ſunt, & Artificiola & Literas diſcant.

[*] *Book* 5. *Chap.* 3. *Sect.* 6. [*d*] Sozom. lib. 7. c. 28.

be an Hundred Years old, all which time he conſtantly attended, both Morning and Evening, the Service of the Church, and yet found time to work at the Trade of a Linen-Weaver, by which he not only ſubſiſted himſelf, but relieved others, tho' he lived in a Rich and Wealthy Church. *Epiphanius* makes a more general Obſervation againſt the *Maſſalian* Hereticks (who were great Encouragers of Idleneſs) that not only all thoſe of a Monaſtick Life, but alſo many of the Prieſts of GOD [e] imitating their holy Father in Chriſt St. *Paul*, wrought with their own Hands at ſome honeſt Trade, that was no Diſhonour to their Dignity, and conſiſtent with their conſtant Attendance upon their Eccleſiaſtical Duties; by which means they had both what was neceſſary for their own Subſiſtence, and to give to others that ſtood in need of their Relief. The Author of the Apoſtolical Conſtitutions [f] brings in the Apoſtles recommending Induſtry in every Man's Calling from their own Example, that they might have wherewith to ſuſtain Themſelves, and ſupply the Needs of others. Which, though it be not an exact Repreſentation of the Apoſtles Practice (for we do not read of any other Apoſtle's labouring with his own Hands, except St. *Paul*, whilſt he preached the Goſpel) yet it ſerves to ſhew what Senſe the Author had of this Matter; that he did not think it ſimply unlawful for a Clergyman to labour at ſome Secular Employment, when the end was Charity, and not filthy Lucre. And it is obſervable, That the Imperial Laws for ſome time granted the ſame Immunity from the Luſtral Tax to the Inferior Clergy, that traded with a

[e] Epiphan. Hær. 80. Maſſalian. n. 6. [f] Conſtit. Apoſt. Lib. 2. c. 63.

a charitable Deſign to relieve others, as to thoſe that traded out of Neceſſity for their own Maintenance; of both which I have given an Account in another place. *Thirdly*, We have ſome Inſtances of very eminent Biſhops, who out of Humility, and love of a Philoſophical and laborious Life, ſpent their vacant Hours in ſome honeſt Buſineſs, to which they had been accuſtomed in their former Days. Thus *Ruffin* [g] and *Socrates* [h] and *Sozomen* [i] tell us of *Spiridion* Biſhop of *Trimithus* in *Cyprus*, one of the moſt eminent Biſhops in the Council of *Nice*, a Man famous for the Gift of Prophecy and Miracles, that having been a Shepherd before, he continued to employ himſelf in that Calling, out of his great Humility, all his Life. But then he made his Actions, and the whole Tenor of his Life, demonſtrate that he did it not out of Covetouſneſs. For *Sozomen* particularly notes, that whatever his Product was, he either diſtributed it among the Poor, or lent it without Uſury to ſuch as needed to borrow, whom he truſted to take out of his Storehouſe what they pleaſed, and return what they pleaſed, without ever examining or taking any Account of them. *Fourthly*, I obſerve, That thoſe Laws which were moſt ſevere againſt the Superior Clergies negotiating in any Secular Buſineſs, in Caſes of Neceſſity allowed them a Privilege which was equivalent to it; that is, that they might employ others to factor for them, ſo long as they were not concerned in their own Perſons. For ſo the Council of *Eliberis*

[g] Ruffin. lib. 1. c. 5. Hic Paſtor ovium etiam in Epiſcopatu poſitus permanſit. [h] Socrat. lib. 1. c. 12. Διὰ δὲ ἀτυφίαν πολλὴν, ἐχόμενος τῆς ἐπισκοπῆς ἐποίμαινε καὶ τὰ πρόβατα. [i] Sozom. lib. 1. c. 11.

beris [*k*] words it: Biſhops, Presbyters and Deacons ſhall not leave their Station to follow a Secular Calling, nor rove into other Provinces after Fairs and Markets. But yet to provide themſelves a Livelihood, they may employ a Son, or a Freeman, or an hired Servant, or a Friend, or any other: and if they negotiate, let them negotiate within their own Province. So that all theſe Laws were juſtly tempered with great Wiſdom and Prudence; that as on the one Hand the Service of GOD and the Needs of his Miniſters and Servants might be ſupplied together: So on the other, no Encouragement ſhould be given to Covetouſneſs in the Clergy, nor any one be countenanced in the Neglect of his proper Buſineſs, by a Licence to lead a wandring, buſie, diſtracted Life, which did not become thoſe that were dedicated to the Sacred Function. 'Tis againſt theſe only, that all the ſevere Invectives of St. *Jerom* [*l*] and others of the Ancients [*] are levelled, which the Reader muſt interpret with the ſame Limitations, and Diſtinction of Caſes, as we have done the Publick Laws: The Deſign of both being only to cenſure the Vices of the Rich, who without any juſt Reaſon or Neceſſity immerſed themſelves in the Cares of a Secular Life, contrary to the Rules and Tenor of their Profeſſion.

[*k*] Conc. Eliber. c. 19. Epiſcopi, Presbyteri, & Diaconi, de locis ſuis negotiandi cauſa non diſcedant, nec circumeuntes Provincias, quæſtuoſas Nundinas ſectentur. Sane ad victum ſibi conquirendum, aut Filium, aut Libertum, aut mercenarium, aut amicum, aut quemlibet mittant: & ſi voluerint negotiari, intra Provinciam negotientur. [*l*] Hieron. Ep. 2. ad Nepotian. Negotiatorem Clericum quaſi Peſtem fuge, &c. [*] Sulpic. Sever. Hiſt. Lib. 1. p. 30. Tanta hoc tempore animos eorum habendi cupido veluti tabes inceſſit: inhiant poſſeſſionibus, prædia excolunt, auro incubant, emunt, venduntque, quæſtui per omnia ſtudent, &c.

Sect. 14. *Laws respecting their outward Converſation.*

Another ſort of Laws were made reſpecting their outward Behaviour, to guard them equally againſt Scandal in their Character, and Danger in their Converſation. Such were the Laws againſt Correſponding and Converſing too familiarly with *Jews*, and *Gentile* Philoſophers. The Council of *Eliberis* [*m*] forbids them to Eat with the *Jews* under Pain of Suſpenſion. The Council of *Agde* [*n*] has a Canon to the ſame purpoſe, forbidding them to give, as well as receive an Entertainment from the *Jews*. And thoſe called the Apoſtolical Canons [*o*] not only prohibit them to Faſt or Feaſt with the *Jews*, but to receive τῆς ἑορτῆς ξένια, any of thoſe Portions or Preſents, which they were uſed to ſend to one another upon their Feſtivals. And the Laws againſt Converſing with *Gentile* Philoſophers were much of the ſame Nature. For *Sozomen* [*p*] ſays, *Theodotus* Biſhop of *Laodicea* in *Syria* Excommunicated the two *Apollinarij*, Father and Son, becauſe they went to hear *Epiphanius* the *Sophiſt* ſpeak his Hymn in the Praiſe of *Bacchus*; which was not ſo agreeable to their Character, the one being a Presbyter, the other a Deacon in the Chriſtian Church. It was in regard to their Character likewiſe, that other Canons reſtrained them from eating or drinking in a Tavern, except they were upon a Journey, or ſome ſuch neceſſary Occaſion required them to do it. For among thoſe called the Apoſtolical Canons [*q*], and the

[*m*] Conc. Eliber. c. 50. Clericus qui cum Judæis cibum ſumpſerit, placuit eum à Communione abſtinere, ut debeat emendari. [*n*] Conc. Agathen. c. 40. Omnes Clerici Judæorum convivia evitent. Nec eos ad convivia quiſquam excipiat. [*o*] Canon. Apoſt. c. 70. [*p*] Sozom. Lib. 6. c. 25. [*q*] Canon. Apoſt. c. 53.

the Decrees of the Councils of *Laodicea* [r] and *Carthage* [s] there are ſeveral Rules to this purpoſe; the ſtrictneſs of which is not ſo much to be wondered at, ſince *Julian* required the ſame Caution in his Heathen Prieſts, that they ſhould neither appear at the Publick Theatres, nor in any Taverns, under Pain of Depoſition from their Office of Prieſthood, as may be ſeen in his Letter to *Arſacius* High-Prieſt of *Galatia*, which *Sozomen* [t] records, and other Fragments of his Writings.

Sect. 15. *Laws relating to their Habit.*

To this ſort of Laws we may reduce thoſe ancient Rules, which concerned the Garb and Habit of the ancient Clergy; in which ſuch a decent Mean was to be obſerved, as might keep them from Obloquy and Cenſure on both hands, either as too nice and critical, or too ſlovenly and careleſs in their Dreſs: Their Habit being generally to be ſuch, as might expreſs the Gravity of their Minds without any ſuperſtitious Singularities, and their Modeſty and Humility without Affectation. In this matter therefore their Rules were formed according to the Cuſtoms and Opinions of the Age, which are commonly the Standard and Meaſure of Decency and Indecency in things of this Nature. Thus for inſtance, long Hair, and Baldneſs by ſhaving the Head or Beard, being then generally reputed Indecencies in contrary Extremes, the Clergy were obliged to obſerve a becoming Mediocrity between them. This is the meaning of that controverted Canon of the 4th Council of *Carthage*, according to its true Reading, That a Clergyman ſhall neither indulge long Hair, nor ſhave his Beard. *Clericus*

[r] Conc. Laodic. c. 24. [s] Conc. Carth. 3. c. 27. [t] Sozom. Lib. 5. c. 16. Vid. Julian. Fragment. Epiſt. p. 547.

nec Comam nutriat [*u*] *nec Barbam radat.* The contrary Cuſtom being now in vogue in the Church of *Rome*, *Bellarmin* [*w*] and many other Writers of that ſide, who will have all their Ceremonies to be Apoſtolical, and to contain ſome great Myſtery in them, pretend, that the Word *Radat*, ſhould be left out of that ancient Canon, to make it agreeable to the preſent Practice. But the Learned *Savaro* [*x*] proves the other to be the true Reading, as well from the *Vatican*, as many other Manuſcripts. And even *Spondanus* himſelf [*y*] confeſſes as much, and thereupon takes occaſion to correct *Baronius* for aſſerting, That in the time of *Sidonius Apollinaris* it was the Cuſtom of the *French* Biſhops to ſhave their Beards: Whereas the contrary appears from one of *Sidonius*'s Epiſtles [*z*], that their Cuſtom then was to wear ſhort Hair and long Beards, as he deſcribes his Friend *Maximus Palatinus*, who of a Secular was become a Clergyman: He ſays, his Habit, his Gate, his Modeſty, his Countenance, his Diſcourſe were all Religious; and agreeable to theſe, his Hair was ſhort, and his Beard long. Cuſtom, it ſeems, had then made it Decent and Becoming; and upon that Ground the Ancients are ſometimes pretty ſevere againſt ſuch of the Clergy as tranſgreſſed in this Point, as guilty of an Indecency in going contrary to the Rules and Cuſtoms of the Church, which were to be obſerved, though the thing was otherwiſe in itſelf of an indifferent Nature.

The

[*u*] Conc. Carth. 4. c. 44. [*w*] Bellarm. de Monach. Lib. 2. c. 40. [*x*] Savaro Not. in Sidonium. Lib. 4. Ep. 24. p. 306. [*y*] Spondan. Epit. Baron. an. 58. n. 58. [*z*] Sidon. Lib. 4. Ep. 24. Habitus viro, Gradus, Pudor, Color, ſermo religioſus: Tum Coma brevis, Barba prolixa, &c.

Sect. 16. *The* Tonſure *of the Ancients very different from that of the* Romiſh *Church.*

The *Romaniſts* are generally as much to blame in their Accounts of the ancient *Tonſure* of the Clergy; which they deſcribe in ſuch a manner, as to make Parallel to that ſhaving of the Crown of the Head by way of Myſtical Rite, which is now the Modern Cuſtom. Whereas this was ſo far from being required as a matter of Decency among the Ancients, that it was condemned and prohibited by them. Which may appear from that Queſtion which *Optatus* puts to the *Donatiſts*, when he asks them, Where they had a Command [*a*] to ſhave the Heads of the Prieſts? As they had done by the Catholick Clergy in order to bring them to do Publick Penance in the Church. In which Caſe, as *Albaſpinæus* rightly [*b*] notes, it was Cuſtomary to uſe ſhaving to Baldneſs, and ſprinkling the Head with Aſhes, as ſigns of Sorrow and Repentance. But the Prieſts of GOD were not to be thus treated. Which ſhews, that the Ancients then knew nothing of this, as a Ceremony belonging to the Ordination or Life of the Clergy; which is ſtill more evident from what St. *Jerom* ſays upon thoſe words of *Ezekiel* 44. 20. *Neither ſhall they ſhave their Heads, nor ſuffer their Locks to grow long, they ſhall only poll their Heads.* This, ſays he, [*c*], evidently

[*a*] Optat. cont. Parmen. Lib. 2. p. 58. Docete, ubi vobis mandatum eſt radere capita ſacerdotum, cum è contrario ſint tot exempla propoſita, fieri non debere — Qui parare debebas aures ad audiendum, paraſti novaculam ad delinquendum. [*b*] Albaſp. in Loc. p. 141. [*c*] Hieron. Lib. 13. in Ezek. cap. 44. p. 668. Quod autem ſequitur, Capita ſua non radent, &c. perſpicue demonſtratur, nec raſis capitibus, ſicut ſacerdotes, cultoreſque Iſidis atque Serapis, nos eſſe debere; nec rurſum comam demittere, quod proprie luxurioſum eſt Barbarorumque & Militantium; ſed ut honeſtus habitus ſacerdotum facie demonſtretur; nec calvitium novacula eſſe faciendum, nec ita ad preſſum tondendum caput, ut raſorum ſimiles eſſe videamur; ſed in tantum capillos eſſe demittendos, ut operta ſit cutis.

evidently demonſtrates, that we ought neither to have our Heads ſhaved, as the Prieſts and Votaries of *Iſis* and *Serapis*; nor yet to ſuffer our Hair to grow long, after the Luxurious manner of Barbarians and Soldiers; but that Prieſts ſhould appear with a venerable and grave Countenance; neither are they to make themſelves bald with a Razor, nor poll their Heads ſo cloſe, that they may look as if they were ſhaven; but they are to let their Hair grow ſo long, that it may cover their Skin. It is impoſſible now for any Rational Man to imagine, that Chriſtian Prieſts had ſhaven Crowns in the Time of St. *Jerom*, when he ſo expreſly ſays they had not, and that none but the Prieſts of *Iſis* and *Serapis* had ſo. But the Cuſtom was to poll their Heads, and cut their Hair to a moderate degree; not for any Myſtery that was in it, but for the ſake of Decency and Gravity; that they might neither affect the Manners of the Luxurious part of the World, which prided itſelf in long Hair; nor fall under Contempt and Obloquy by an indecent Baldneſs; but expreſs a ſort of venerable Modeſty in their Looks and Aſpects, which is the Reaſon that St. *Jerom* aſſigns for the ancient *Tonſure*.

Sect. 17. *Of the* Corona Clericalis, *and why the Clergy called* Coronati.

From hence we may farther conclude, that the ancient Clergy were not called *Coronati* from their ſhaven Crowns, as ſome would have it, ſince it is evident there was no ſuch thing among them: But it ſeems rather a Name given them, as *Gothofred* [*d*] and *Savaro* [*e*] conjecture, from the Form of the ancient *Tonſure*; which was made in a Circular Figure, by cutting away the Hair a little from the

[*d*] Gothofred. Com. in Cod. Theod. Lib. 16. Tit. 2. de Epiſc. Leg. 38. [*e*] Savaro Not. in Sidon. Lib. 6. Ep. 3.

the Crown of the Head: and leaving a Round or Circle hanging downwards. This in ſome Councils [*f*] is called *Circuli Corona*, and ordered to be uſed in oppoſition to ſome Hereticks, who it ſeems prided themſelves in long Hair and the contrary Cuſtom. But I am not confident, that this was the Reaſon of the Name *Coronati*: It might be given the Clergy in general out of Reſpect to their Office and Character, which was always of great Honour and Eſteem: For *Corona* ſignfies Honour and Dignity in a figurative Senſe, and it is not improbable but that the Word was ſometimes ſo uſed in this Caſe, as has been noted before [*] in ſpeaking of the Form of Saluting Biſhops, *Per Coronam.*

Sect. 18. *Whether the Clergy were diſtinguiſhed in their Apparel from Laymen.*

As to the Kind or Faſhion of their Apparel, it does not appear for ſeveral Ages, that there was any other Diſtinction obſerved therein between them and the Laity, ſave that they were more confined to wear that which was modeſt and grave, and becoming their Profeſſion, without being tied to any certain Garb or Form of Cloathing. Several Councils require the Clergy to wear Apparel ſuitable to their Profeſſion; but they do not expreſs any Kind; or deſcribe it otherwiſe, than that it ſhould not border upon Luxury or any affected Neatneſs, but rather keep a Medium between Finery and Slovenlineſs. This was St. *Jerom*'s Direction to *Nepotian* [*g*], That he ſhould neither wear Black

[*f*] Conc. Tolet. 4. c. 40. Omnes Clerici, detonſo ſuperius capite toto, inferius ſolam Circuli Coronam relinquant, &c. [*] *Book* 2. *Chap.* 9. *Sect.* 5. [*g*] Hieron. Ep. 2. ad Nepot. Veſtes pullas æque devita, ut candidas. Ornatus, ut ſordes pari modo fugiendæ ſunt; quia alterum Delicias, alterum Gloriam redolet, &c.

nor White Clothing: For Gaiety and Slovenlineſs were equally to be avoided; the one ſavouring of Niceneſs and Delicacy, and the other of Vain-glory. Yet in different Places, different Cuſtoms ſeem to have prevailed, as to the Colour of their Cloathing. For at *Conſtantinople*, in the Time of *Chryſoſtom* and *Arſacius*, the Clergy commonly went in Black, as the *Novatians* did in White. Which appears from the Diſpute which *Socrates* ſpeaks of [*h*] between *Siſinnius* the *Novatian* Biſhop, and one of *Arſacius*'s Clergy: For he ſays, *Siſinnius* going one Day to viſit *Arſacius*, the Clergyman asked him, Why he wore a Garment which did not become a Biſhop? And where it was Written, that a Prieſt ought to be cloathed in White? To whom he reply'd, You firſt ſhew me, where it is Written, that a Biſhop ought to be cloathed in Black? From this it is eaſy to collect, that by this Time it was become the Cuſtom at *Conſtantinople* for the Clergy to wear Black, and that perhaps to diſtinguiſh themſelves from the *Novatians*, who affected it ſeems to appear in White. But we do not find theſe Matters as yet ſo particularly determined or preſcribed in any Councils. For the fourth Council of *Carthage* [*i*] requires the Clergy to wear ſuch Apparel as was ſuitable to their Profeſſion, but does not particularize any farther about it, ſave that they ſhould not affect any finery or gaiety in their Shoes or Cloathing. And the Council of *Agde* [*k*] gives the very ſame Direction. *Baronius* [*l*] indeed is very earneſt to perſuade his Reader, that Biſhops in the Time of *Cyprian* wore the ſame Habit

[*h*] Socrat. Lib. 6. c. 22. [*i*] Conc. Carth. 4. c. 45. Clericus Profeſſionem ſuam & in Habitu & in inceſſu probet: Et ideo nec veſtibus nec calceamentis Decorem quærat. [*k*] Conc. Agathen. c. 20. Veſtimenta vel Calceamenta etiam eis, niſi quæ Religionem deceant, uti aut habere non liceat. [*l*] Baron. ann. 261. n. 44.

Habit that is now worn by Cardinals in the Church of *Rome*, and ſuch Biſhops as are advanced from a Monaſtery to the Epiſcopal Throne; as if *Cyprian* had been a Monk or a Cardinal of the Church of *Rome*. But, as the Learned Editor [*m*] of *Cyprian*'s Works obſerves, there is ſcarce any thing ſo abſurd, that a man who is engag'd in a Party-Cauſe cannot perſwade himſelf to believe, and hope to perſwade others alſo. For is it likely that Biſhops and Presbyters ſhould make their appearance in publick in a diſtinct Habit, at a time when Tyrants and Perſecutors made a moſt diligent ſearch after them to put them to Death? Do the Clergy of the preſent Church of *Rome* uſe to appear ſo in Countries where they live in danger of being diſcovered and taken? But what ſhall we ſay to the Writer of *Cyprian*'s Paſſion, who mentions *Cyprian*'s [*n*] *Lacerna* or *Birrus*, and after that his *Tunica* or *Dalmatica*, and laſt of all his *Linea* in which he ſuffered? Of which *Baronius* makes the *Linea* to be the Biſhop's Rochet, and the *Dalmatica* or *Tunica* that which they now call the looſe Tunicle, and the *Lacerna* or *Birrus* the red ſilken Veſtment that covers the ſhoulders. Why, to all this it may be ſaid, That theſe are only old Names for new Things: For, beſides the abſurdity of thinking that *Cyprian* ſhould go to his Martyrdom in his Sacred and Pontifical Robes (which were not to be worn out of the Church) it is evident theſe were but the Names of thoſe common Garments, which many Chriſtians then uſed without diſtinction.

As

[*m*] Vide cl. Fell. Not. in Vit. Cypr. p. 13. [*n*] Paſſio Cypr. p. 13. Cyprianus in agrum Sexti productus eſt, & ibi ſe Lacerna Birro expoliavit.——Et cum ſe Dalmatica (al. Tunica) expoliaſſet, & Diaconibus tradidiſſet, in Linea ſtetit, & cœpit ſpiculatorem ſuſtinere.

Sect. 19. *A particular Account of the* Birrus *and* Pallium.

As to the *Birrus*, it is evident that it was no peculiar Habit of Biſhops, no nor yet of the Clergy. That it was not peculiar to Biſhops, appears from what St. *Auſtin* ſays of it, That it was the common Garment which all his Clergy wore as well as himſelf; and therefore if any one preſented him with a richer *Birrus* than ordinary, he would not wear it; for, [o] though it might become another Biſhop, it would not become him, who was a poor Man, and born of poor Parents: He muſt have ſuch an one as a Presbyter could have, or a Deacon, or a Sub-Deacon; if any one gave him a better, he was uſed to ſell it, that ſince the Garment itſelf could not be uſed in common, the Price of it at leaſt might be common. This ſhews plainly, that the *Birrus* was not the Biſhop's peculiar Habit, but the common Garment of all St. *Auſtin*'s Clergy: And that this was no more than the common *Tunica*, or Coat worn generally by Chriſtians in *Africk* and other places, may appear from a Canon of the Council of *Gangra*, made againſt *Euſtathius* the Heretick and his Followers, who condemn'd the common Habit, [p] and brought in the uſe of a ſtrange Habit in its room. Now this common Habit was the *Birrus*, or Βῆρος, as they call it in the Canon made againſt them,

[o] Aug. Serm. 50. de Diverſis, Tom. 10. p. 523. Offeratur mihi Birrum pretioſum, forte decet Epiſcopum, quamvis non deceat Auguſtinum, id eſt, hominem pauperem, de pauperibus natum.---Talem debeo habere, qualem poteſt habere Presbyter, qualem poteſt habere Diaconus & Subdiaconus ----Si quis meliorem dederit, vendo, quod & facere ſoleo, ut quando non poteſt veſtis eſſe communis, pretium veſtis ſit commune. [p] Conc. Gangr. in Præfat. Ξένα ἀμφιάσματα ἐπὶ καταστάσει τῆς κοινότητος καὶ ἀμφιασμάτων συνάγοντες.

them, which runs in these words: *If any man* [q] *uses the* Pallium, or *Cloak, upon the account of an Ascetick Life, and, as if there were some Holiness in that, condemns those that with Reverence use the* Birrus, *and other Garments that are commonly worn, let him be Anathema.* The *Birrus* then was the common and ordinary Coat, which the Christians of *Paphlagonia* and those parts generally wore; and tho' the Ascetick's us'd the φαιβόλαιον, the Philosophick *Pallium*, or Cloak, yet the Clergy of that Country used the common *Birrus* or Coat: for *Sozomen* [r] in relating this same History, instead of Βῆρος, uses the word χίτων, which is a more known Name for the Latin *Tunica*, or Coat; and he also adds, That *Eustathius* himself, after the Synod had condemn'd him, chang'd his Philosophick Habit, and us'd the same Garb that the Secular Presbyters wore. Which plainly evinces, that as yet the Clergy in those parts did not distinguish themselves by their Habit from other Christians, though the Ascetick's generally did. In the *French* Churches several years after this we find the Clergy still using the same Secular Habit with other Christians; and when some endeavoured to alter it, and introduce the Ascetick or Philosophick Habit among them, *Celestine* Bishop of *Rome* wrote a reprimanding Letter to them, asking, Why that Habit, the Cloak, was used [s] in the *French* Churches, when

[q] Conc. Gangr. c. 12. εἴ τις ἀνδρῶν διὰ νομιζομένην ἄσκησιν φαιβολαίῳ χρῆται, καὶ ὡς ἂν ἐκ τούτου τῇ δικαιοσύνῃ ἔχων κατα-φρονήσοι τῆς μετὰ ἀλαζονείας τὸς Βήρους φορούντων, καὶ τῇ ἄλλῃ κοινῇ καὶ ἐν συνηθείᾳ ὄσῃ ἐσθῆτι κεχρημένων, ἀνάθεμα ἔστω. [r] Sozom. lib. 3. c. 14. [s] Celestin. Ep. 2. ad Episc. Gall. c. 1. Unde hic habitus in Ecclesiis Gallicanis, ut tot annorum, tantorumque Pontificum in alterum habitum consuetudo vertatur? Discernendi à Plebe vel cæteris sumus Doctrina, non Veste; Conversatione, non Habitu; Mentis puritate, non Cultu.

when it had been the Cuſtom of ſo many Biſhops for ſo many years to uſe the common Habit of the People? from whom the Clergy were to be diſtinguiſhed by their Doctrin, and not by their Garb; by their Converſation, not their Habit; by the Purity of their Souls, rather than their Dreſs. But yet I muſt obſerve, that in ſome places the Aſceticks, when they were taken into the Miniſtry of the Church, were allowed to retain their ancient Philoſophick Habit without any Cenſure. Thus St. *Jerom* [*t*] obſerves of his Friend *Nepotian*, that he kept to his Philoſophick Habit, the *Pallium*, after he was ordained Presbyter, and wore it to the day of his death. He ſays the ſame of *Heraclas* [*u*] Presbyter of *Alexandria*, that he continued to uſe his Philoſophick Habit when he was Presbyter; which is noted alſo by *Euſebius* out of *Origen*, who ſays, that when *Heraclas* entred himſelf in the School of Philoſophy under *Ammonius*, he then laid aſide the common Garb, and took the Philoſophick [*w*] Habit, with which he ſat in the Presbytery of *Alexandria*. Upon which *Valeſius* [*x*] very rightly obſerves, that there was then no peculiar Habit of the Clergy, foraſmuch as *Heraclas* always retained his Philoſophick *Pallium*, which was the known Habit of the Aſceticks, but as yet was very rarely uſed among the Clergy, who wore generally the common Habit, except when ſome ſuch Philoſophers and Aſceticks came among them. For

[*t*] Hieron. Epitaph. Nepotian. [*u*] Hieron. de Scriptor. c. 54. Heraclam Presbyterum, qui ſub habitu Philoſophi perſeverabat, &c. [*w*] Orig. ap. Euſeb. lib. 6. c. 19. περίτερον κοινῇ ἐσθῆτι χρώμενον, ὑποδυσάμενόν τε καὶ φιλόσοφον ἀναλαβὼν σχῆμα μεχρὶ τοῦ δεῦρο τηρεῖ. [*x*] Valeſ. Not. in loc. Ex his apparet, nullum etiam tum peculiarem fuiſſe Veſtitum Clericorum, quandoquidem Heraclas Philoſophicum Pallium ſemper retinuit.

For here we ſee it was noted as ſomething rare and ſingular in *Heraclas*: But in after Ages, when the Clergy were chiefly choſen out of the Monks and Aſceticks, the Philoſophick Habit came in by degrees with them, and was encouraged, till at laſt it became the moſt uſual Habit of the Clergy of all ſorts. But this was not till the fifth or ſixth Century, as may be collected by what has been ſaid before on this Subject.

Sect. 20. *Of the* Collobium, Dalmatica, Caracalla, Hemiphorium, *and* Linea.

But ſome perhaps may think the Clergy had always a diſtinct Habit, becauſe ſome ancient Authors take notice of the *Collobium*, as a Garment worn by Biſhops and Presbyters in the Primitive Ages. For *Epiphanius* [*y*] ſpeaking of *Arius*, while he was Presbyter of *Alexandria*, ſays, He always wore the *Collobium* or *Hemiphorium*. And *Pius* Biſhop of *Rome*, in his Epiſtle to *Juſtus* Biſhop of *Vienna*, (which by many is reckoned genuine) ſpeaks of *Juſtus* [*z*] as wearing a *Collobium* alſo. But this was no more than the *Tunica*, of which there were two ſorts, the *Dalmatica* and *Collobium*, which differed only in this reſpect, that the *Collobium* was the ſhort Coat without long Sleeves, ſo called from κολοβὸς, *curtus*; but the *Dalmatica* was the *Tunica manicata & talaris*, the long Coat with Sleeves: both which were uſed by the *Romans*, though the *Collobium* was the more common, ancient, and honourable Garment, as appears from *Tully*, who derides [*a*] *Catiline*'s Soldiers becauſe they had their *Tunicæ manicatæ & talares*; whereas the ancient *Romans* were uſed to wear

[*y*] Epiph. Hær. 69. Arian. n. 3. ἡμιφόριον γὰρ ὁ τοιοῦτος ἀεὶ ἢ κολλοβίωνα ἐνδιεδύσκετο. [*z*] Pius Ep. 2. ad Juſt. Vien. Tu vero apud Senatoriam Viennam----- Collobio Epiſcoporum veſtitus, &c. [*a*] Cicero Orat. 2. in Catilin. n. 22.

wear the *Collobia*, or ſhort Coats, without long Sleeves; as *Servius* [*b*] and St. *Jerom* [*c*] after him obſerve from this place of *Tully*. So that a Biſhop or a Presbyter's wearing a *Collobium* means no more (when the hard Name is explained) but their wearing a common *Roman* Garment. Which is evident from one of the Laws of *Theodoſius* the Great, made about the Habits which Senators were allowed to uſe within the Walls of *Conſtantinople*, where they are forbidden to wear the Soldier's Coat, the *Chlamys*, but allowed to uſe the *Collobium* and *Penula*, [*d*] becauſe theſe were Civil Habits, and Veſtments of Peace. The *Dalmatica*, or, as it was otherwiſe called, χειρόδοτον, or *Tunica Manicata*, becauſe it had Sleeves down to the hands, was ſeldom uſed among the *Romans*: For *Lampridius* [*e*] notes it as a ſingular thing in the Life of *Commodus* the Emperor, that he wore a *Dalmatica* in publick, which he alſo [*f*] cenſures in *Heliogabalus*, as *Tully* had done before in *Catiline*. And that is a good Argument to prove, that the Clergy of this Age did not wear the *Dalmatica* in publick, ſince it was not then the common Garment of the *Romans*. And the Conjecture of a Learned Man [*g*] is well grounded, who thinks that in the Life of St. *Cyprian*, where the ancient Copies have *Tunicam tulit*, ſome officious modern Tranſcribers

[*b*] Servius in Virgil. 9 Æneid. ver. 616. Et tunicæ manicas, & habent redimicula mitræ. [*c*] Hieron. Quæſt. Hebraic. in Geneſ. 37. 32. Tom. 3. p. 222. Pro varia Tunica Symmachus interpretatus eſt Tunicam manicatam; ſive quod ad talos uſque deſcenderet, ſive quod habere manicas; antiqui enim magis Collobiis utebantur. [*d*] Cod. Theodoſ. lib. 14. tit. 10. de Habitu quo uti oportet intra Urbem, Leg. 1. Nullus Senatorum habitum ſibi vindicet militarem, ſed Chlamydis terrore depoſito, quieta Collobiorum ac Penularum induat veſtimenta, &c. [*e*] Lamprid. vit. Commod. p. 139. Dalmaticatus in publico proceſſit. [*f*] Id. vit. Heliogab. p. 317. Dalmaticatus in publico poſt cœnam ſæpe viſus eſt. [*g*] Bp. Fell. Not. in vit. Cypr. p. 13.

ſcribers changed the Word *Tunica* into *Dalmatica*, as being more agreeable to the Language and Cuſtom of their own Time, when the *Dalmatica* was reckoned among the Sacred Veſtments of the Church, though we never find it mentioned as ſuch in any ancient Author. The *Caracalla*, which ſome now call the *Caſſock*, was originally a Gallick Habit, which *Antoninus Baſſianus*, who was born at *Lyons* in *France*, firſt brought into uſe among the *Roman* People, whence he had the Name of *Caracalla*, as *Aurelius Victor* [*h*] informs us. It was a long Garment, reaching down to the heels, which *Victor* ſays the *Roman* People put on when they went to ſalute the Emperor: But whether it was alſo a Clerical Habit in thoſe days, may be queſtioned, ſince no ancient Author ſpeaks of it as ſuch; but if it was, it was not any peculiar Habit of the Clergy, ſince *Spartian* [*i*] who lived in the time of *Conſtantine*, ſays they were then uſed by the common People of *Rome*, who called them *Caracallæ Antonivianæ* from their Author. The ἡμιφόριον, which *Epiphanius* joins with the *Collobium*, was either but another Name for the ſame Garment, or one like it: for it ſignifies a ſhort Cloak or Coat, as *Petavius* [*k*] and other Criticks explain it; ἥμισυ ἱματίας, or *Dimidium Pallium*, which anſwers to the deſcription of the *Collobium* given before. As for the *Linea* mentioned in the Life of *Cyprian*, which *Baronius* calls the *Biſhop's Rochet*, it ſeems to have been

[*h*] Victor. Epit. Vit. Caracallæ. Cum e Gallia veſtem plurimam devexiſſet, talareſque Caracallas feciſſet, coegiſſetque plebem ad ſe ſalutandum indutam talibus introire, de nomine hujus veſtis, Caracalla cognominatus eſt. [*i*] Spartian. Vit. Caracal. p. 251. Ipſe Caracallæ nomen accepit à veſtimento, quod populo dederat, demiſſo uſque ad talos, quod ante non fuerat; unde hodieque Antoninianæ dicuntur Caracallæ hujuſmodi in uſu maxime Romanæ Plebis frequentatæ. [*k*] Petav. Not. in Epiphan. Hær. 69. n. 3. Suicer. Theſaur. Eccleſ. Tom. 1. p. 1334.

been no more than ſome common Garment made of Linen, tho' we know not what other Name to give it. *Baronius* ſays pleaſantly, it was not his *Shirt*, and therefore concludes it muſt be his *Rochet*; which is an Argument to make a Reader ſmile, but carries no great Conviction in it; and yet it is as good as any that he produces to prove that Biſhops in *Cyprian*'s time appeared in publick differently habited from other men. That the Clergy had their particular Habits for miniſtring in Divine Service, at leaſt in the beginning of the fourth Century, is not denied, but will be proved and evidenced in its proper place: but that any ſuch diſtinction was generally obſerv'd *extra Sacra* in their other Habits in that Age, is what does not appear, but the contrary, from what has been diſcourſed. It was neceſſary for me to give the Reader this Caution, becauſe ſome unwarily confound theſe things together, and alledge the Proofs or Diſproofs of the One for the Other, which yet are of very different Conſideration.

CHAP. V.

Some Reflections upon the foregoing Diſcourſe, concluding with an Addreſs to the Clergy of the preſent Church.

Sect. 1.

Reflection 1ſt. *All Laws and Rules of the ancient Church not neceſſary to be obſerved by the preſent Church and Clergy.*

HAVING thus far gone over, and as it were brought into one View, the chief of thoſe ancient Laws and Rules, which concerned the Elections, Qualifications, Duties, and general Offices of the Primitive Clergy, reſerving the Conſideration of particular Offices to their

their proper Places, I ſhall cloſe this Part of the Diſcourſe with a few neceſſary Reflections upon it, in reference to the Practice of the Clergy of the preſent Church. And here firſt of all it will be proper to obſerve, that all the Laws and Rules of the Primitive Church are not Obligatory to the preſent Clergy, ſave only ſo far as they either contain Matters Neceſſary in themſelves, or are adopted into the Body of Rules and Canons, which are authorized and received by the preſent Church. For ſome Laws were made upon particular Reaſons, peculiar to the State and Circumſtances of the Church in thoſe Times: And it would neither be reaſonable nor poſſible to reduce Men to the Obſervance of all ſuch Laws, when the Reaſons of them are ceaſed, and the State of Affairs and Circumſtances of the Church are ſo much altered. Other Laws were made by particular Churches for themſelves only, and theſe never could oblige other Churches, till they were received by their own Conſent, or bound upon them by the Authority of a general Council, where they themſelves were repreſented, and their Conſent virtually taken: Much leſs can they oblige Abſolute and Independent Churches at the Diſtance of ſo many Ages; ſince every Church has Power to make Laws and Rules about things of an alterable Nature for herſelf, and is not tied to the Laws of any other. Nor conſequently are any of the Members of ſuch a Church bound to obſerve thoſe Rules, unleſs they be revived and put in force by the Church whereof they are Members. As this is agreeable to the Senſe and Practice of the Catholick Church; ſo it was neceſſary here to be obſerved, that no one might miſtake the Deſign of this Diſcourſe, as if it tended to make every Rule, that has been mentioned therein, become Neceſſary and Obli-

gatory; or designed to reflect upon the present Church, because in all things she does not conform to the Primitive Practice: Which it is not possible to do, without making all Cases and Circumstances exactly the same in all Ages.

Sect. 2.
Some ancient Rules would be of Excellent Use, if revived by just Authority.

But 2*dly*, notwithstanding this, I may, I presume, without Offence take leave to observe in the next Place, that some ancient Rules would be of excellent Use, if they were revived by just Authority in the present Church. What if we had a Law, agreeable to that of *Justinian*'s in the Civil Law, that every Patron or Elector, who presents a Clerk, should depose upon Oath, that he chose him neither for any Gift, or Promise, or Friendship, or any other Cause, but because he knew him to be a Man of the true Catholick Faith, and good Life and good Learning? Might not this be a good Addition to the present Laws against Simoniacal Contracts? What if the Order of the ancient *Chorepiscopi* were reduced and settled in large Dioceses? And Coadjutors in Case of Infirmity or Old-age? Might not these be of great Use, as for many other Ends, so particularly for the Exercise of Discipline, and the easier and constant Discharge of that most excellent Office of Confirmation? The Judicious Reader will be able to carry this Reflexion through abundance of other Instances, which I need not here suggest: And I forbear the rather, because I am only acting the Part of an Historian for the ancient Church; leaving others, whose Province it is, to make Laws for the present Church, if any things are here Suggested, which their Wisdom and Prudence may think fit to make the Matter of Laws for the greater Benefit and Advantage of it.

Thirdly,

Sect. 3.
Reflect. 3. *Some ancient Laws may be complied with, though not Laws of the present Church.*

Thirdly, It may be obſerv'd farther, that there were ſome Laws in the ancient Church, which though they be not eſtabliſhed Laws of the preſent Church, may yet innocently be complied with; and perhaps it would be for the Honour and Advantage of the Clergy voluntarily to comply with them, ſince there is no Law to prohibit that. I will inſtance in one Caſe of this Nature. It was a Law in the ancient Church, as I have ſhew'd [*], That the Clergy ſhould end all their Civil Controverſies, which they had one with another, among themſelves, and not go to Law in a Secular Court, unleſs they had a Controverſy with a Layman. Now though there be no ſuch Law in the preſent Church, yet there is nothing to hinder Clergymen from chuſing Biſhops to be their Arbitrators, and voluntarily referring all their Cauſes to them, or any other Judges whom they ſhall agree upon among themſelves; which muſt be owned to be the moſt Chriſtian way of ending Controverſies: Whence, as I have ſhew'd, it was many times practiſed by the Laity in the Primitive Church, who took Biſhops for their Arbitrators by voluntary Compromiſe, obliging themſelves to ſtand to their Arbitration. And what was ſo commendable in the Laity, muſt needs be more reputable in the Clergy, and more becoming their Gravity and Character; not to mention other Advantages that might ariſe from this way of ending Diſputes, rather than any other. From this one Inſtance it will be eaſy to judge, how far it may be both Lawful and Honourable for the Clergy to imitate the Practice of the Ancients in other Caſes of the like Nature.

[*] *Book* 4. *Chap.* 1. *Sect.* 4.

Sect. 4. Reflect. 4. *Of the influence of great Examples, and Laws of perpetual Obligation.*

Fourthly, The laſt Obſervation I have to make upon the foregoing Diſcourſe, is in reference to ſuch Laws of the ancient Church, as muſt be owned to be of neceſſary and eternal Obligation. Such are moſt of thoſe that have been mentioned in the 2*d* and 3*d* Chapters of this Book, relating to the Life and Duties of the Clergy: In which the Clergy of all Churches will for ever be concerned; the Matter of thoſe Laws being in it ſelf of abſolute and indiſpenſible Obligation. The Practice of the Ancients therefore in compliance with ſuch Laws will be a continual Admonition, and their Example a noble Provocation to the Clergy of all Ages. There is nothing that commonly moves or affects us more than great and good Examples: They at once both pleaſantly inſtruct, and powerfully excite us to the Practice of our Duty; They ſhew us that Rules are Practicable, as having already been obſerved by Men of like Paſſions with our ſelves; They are apt to inflame our Courage by an holy Contagion, and raiſe us to noble Acts by provoking our Emulation; They as it were ſhame us into laudable Works, by upbraiding and reproaching our Defects in faling ſhort of the Patterns ſet before us; They work upon our Modeſty, and turn it into Zeal; They raiſe our ſeveral uſeful Paſſions, and ſet us to work by exciting thoſe inbred Sparks of Emulation, and Principles of Activity that are lodged within us. And for this Reaſon, whilſt others have done good Service by writing of the Paſtoral Office and Care in plain Rules and Directions, I have added the Examples of the Ancients to their Rules; the better to excite us to tread thoſe Paths, which are chalked out to us, by the encouragement of ſuch inſtructive and provoking Examples. Who can read

read that brave Defence and Anſwer [*] which St. *Baſil* made to the *Arian* Prefect, without being warmed with ſomething of his Zeal for Truth upon any the like Occaſion? How Reſolute and Couragious will it make a Man, even againſt the Calumnies of Spite and Malice, to contend for the Faith, when he reads [†] what baſe Slanders and Reproaches were caſt upon the greateſt Luminaries of the Church, and the beſt of Men, *Athanaſius* and *Baſil*, for ſtanding up in the Cauſe of Religion againſt the *Arian* Hereſy? Again, how Peaceable, how Candid, how Ingenuous and Prudent will it make a Man in compoſing unneceſſary Diſputes, that ariſe among Catholicks in the Church, always to have before his Eyes that great Example of Candor and Peaceableneſs, which *Nazianzen* deſcribes in the Perſon of *Athanaſius*, [‖] who by his Prudence reconciled two contending Parties, that for a few Syllables and a Diſpute about mere Words had like to have torn the Church in Pieces? To inſtance but once more, Who that reads that great Example of Charity and Self-denyal in the *African* Fathers at the Collation of *Carthage*, [**] and conſiders with what a brave and publick Spirit they deſpiſed their own private Intereſt, for the Good, and Peace, and Unity of the Church, will not be inſpired with ſomething of the ſame noble Temper, and ardent Love of Chriſt? which will make him willing to do or ſuffer any thing for the Benefit of his Church, and ſacrifice his own private Intereſt to the Advantage of the Publick; whilſt he perſuades himſelf with thoſe holy Fathers, that he was made for the Church of Chriſt, and not the Church

[*] *See Book 6. Chap. 3. Sect. 10.* [†] *Ibid. Sect. 10.* [‖] *See Chap. 3. Sect. 9.* [**] *Vid. Chap. 4. Sect. 2.*

for him? As it is of the utmoſt Conſequence to the Welfare of the Church, to have theſe and the like Vertues and Graces planted in the Hearts of her Clergy: ſo among other Means, that may be uſed for the promoting this End, there is none perhaps more likely to take Effect, than the Recommending ſuch Vertues by the powerful Provocation of ſuch noble Examples. And he that offers ſuch Images of Vertue to publick View, may at leaſt be allowed to make the Apology, which *Sulpicius Severus* [*l*] makes for his Writing the Life of St. *Martin*: *Etſi ipſi non viximus, ut aliis exemplo eſſe poſſimus: dedimus tamen operam, ne illi laterent, qui eſſent imitandi.*

Sect. 5.

Some particular Rules recommended to Obſervation. 1ſt, *Relating to the ancient Method of training up Perſons for the Miniſtry.*

But whilſt I am ſo earneſt in recommending the Examples of the Ancients, I muſt not forget to inculcate ſome of their excellent Rules. Such as their Laws about training up young Men for the Miniſtry under the *Magiſter Diſciplinæ*, whoſe Buſineſs was to form their Morals, and inure them to ſuch Studies, Exerciſes, and Practices, as would beſt qualify them for higher Offices and Services in the Church. This Method of Education being now changed into that of Univerſities and Schools of Learning, it highly concerns them on whom this Care is devolved, to ſee that the ſame Ends however be anſwered, that is, that all young Men who aſpire to the Sacred Profeſſion, be rightly formed both in their Studies and Morals, to qualify them for their great Work, and the ſeveral Duties of their Calling. And they are the more concerned to be careful in this Mat-

[*l*] Sever. de Vita S. Martin. in Prologo.

Matter, becauſe Biſhops now cannot have that Perſonal Knowledge of the Morals of ſuch Perſons, as they had formerly, when they were trained up under their Eye, and liable to their Inſpection: But now as to this part of their Qualification, they muſt depend firſt upon the Care, and then upon the Teſtimony of thoſe who are intruſted with their Education. Beſides, a late eminent Writer, [*b*] who enquires into the Cauſes of the preſent Corruption of Chriſtians, where he has occaſion to ſpeak of the Paſtoral Office, and the ordinary Methods now uſed for training up Perſons to it, makes a double Complaint of the way of Education in ſeveral of the Univerſities of *Europe*. As to Manners, he complains that young People live there Licentiouſly, and are left to their own Conduct, and make publick Profeſſion of Diſſoluteneſs: Nay, that they not only live there irregularly, but have Privileges, which give them a Right to commit with impunity all manner of Inſolencies, Brutalities and Scandals, and which exempt them from the Magiſtrates Juriſdiction. Now ſuch Univerſities as are concerned in this Accuſation (which by the bleſſing of GOD thoſe of our Land are not) have great reaſon to conſider how far they are faln from the Primitive Standard, and what a Difference there is between the ancient way of educating under the Inſpection of a Biſhop, and the Conduct of a Maſter of Diſcipline in every Church, and the way of ſuch *Academies*, where, if that learned Perſon ſay true, "The Care of "Maſters and Profeſſors does not extend to the "regulating of the Manners of their Diſciples.

[*b*] Oſtervald's *Cauſes of the Corruption of Chriſtians, Part* 2. *Chap.* 3. *p.* 333.

The other Complaint he makes, is in reference to the Studies which are purſued at Univerſities, in which he obſerves two Faults. One in reference to the Method of Teaching. "Divinity is treated there, and the Holy Scripture explained altogether in a Scholaſtical and Speculative Manner. Common-Places are read, which are full of School-Terms, and of Queſtions not very material. This makes young Men reſolve all Religion into Controverſies, and gives them intricate and falſe Notions of Divinity." The other Fault, he thinks, is more Eſſential: "Little or no Care is taken to teach thoſe who dedicate themſelves to the Service of the Church, ſeveral things, the knowledge of which would be very neceſſary to them. The Study of Hiſtory and of Church Antiquity is neglected; Morality is not taught in Divinity-Schools, but in a Superficial and Scholaſtick manner; And in many *Academies* it is not taught at all. They ſeldom ſpeak there of Diſcipline, they give few or no Inſtructions concerning the manner of exerciſing the Paſtoral Care, or of governing the Church. So that the greater part of thoſe who are admitted into this Office, enter into it without knowing wherein it conſiſts; all the Notion they have of it, is, that it is a Profeſſion, which obliges them to preach and to explain Texts." I cannot think all Univerſities are equally concerned in this Charge, nor ſhall I enquire how far any are, but only ſay, that the Faults here complained of were rarely to be met with in the Methods of Education in the Primitive Church; where, as I have ſhewed, the chief Studies of Men devoted to the Service of the Church, both before and after their Ordinations, were ſuch as directly tended to inſtruct them in the neceſſary Duties and Offices

of

of their Function. The great Care then was to oblige men carefully to ſtudy the Scriptures in a practical way, and to acquaint themſelves with the Hiſtory, and Laws and Diſcipline of the Church, by the Knowledge and Exerciſe of which they became expert in all the Arts of Curing Souls and making pious and holy Men, which is the buſineſs of Spiritual Phyſicians, and the Whole of the Paſtoral Office: In which therefore their Rules and Examples are proper to be propoſed to all Churches for their imitation.

Sect. 6. 2dly, *Their Rules for examining the Qualifications of Candidates for the Miniſtry.*

Another ſort of Rules worthy our moſt ſerious Thoughts and Conſideration, were thoſe which concern'd the Examination of the Candidates of the Miniſtry: For by theſe ſuch Methods were preſcribed, and ſuch Caution uſed, that it was ſcarce poſſible for an unfit or immoral Man to be admitted to an Eccleſiaſtical Office, unleſs a Biſhop and the whole Church combined as it were to chuſe unworthy Men, which was a Caſe that very rarely happened. It was a peculiar Advantage in the Primitive Church, that by her Laws ordinarily none were to be ordained but in the Church where they were perſonally known; ſo that their Manners and way of Living might be moſt ſtrictly canvaſſed and examined; and a vicious Man could not be ordained, if either the Biſhop or the Church had the Courage to reject him. Now, though this Rule cannot be practiſed in the preſent State of the Church, yet the main intent of it is of abſolute Neceſſity to be anſwered and provided for ſome other way; elſe the Church muſt needs ſuffer greatly, and infinitely fall ſhort of the Purity of the Primitive Church, by conferring the moſt Sacred of all Characters upon immoral and unworthy Men.

The

The only way which our preſent Circumſtances will admit of, to anſwer the Caution that was uſed in former days, is to certifie the Biſhop concerning the Candidates known Probity and Integrity of Life, by ſuch Teſtimonials as he may ſafely depend upon. Here therefore every one ſees, without my obſerving it to him, that to advance the preſent Church to the Purity and Excellency of the Primitive Church, there is need of the utmoſt Caution in this Matter, That Teſtimonials in ſo weighty an Affair be not promiſcuouſly granted unto all, nor to any but upon reaſonable Evidence and Aſſurance of the things teſtified therein: Otherwiſe we partake in other Mens Sins, and are far from conſulting truly the Glory of GOD and the Good of his Church, while we deviate ſo much from the Exactneſs and Caution that is ſhewed us in the Primitive Pattern.

The other part of the Examination of Candidates, which related to their Abilities and Talents, was made with no leſs Diligence and Exactneſs. The chief Enquiry was, Whether they were well verſed in the Senſe and Knowledge of the Holy Scriptures; Whether they rightly underſtood the Fundamentals of Religion, the neceſſary Doctrines of the Goſpel, and the Rules of Morality as delivered in the Law of GOD; Whether they had been converſant in the Hiſtory of the Church, and underſtood her Laws and Diſcipline; and were men of Prudence to govern, as well as of Ability to teach the People committed to their Charge. Theſe were things of great Importance, becauſe moſt of them were of daily uſe in the Exerciſe of the Miniſtry and Paſtoral Care, and therefore proper to be inſiſted on in Examinations of this Nature. Theſe were the Qualifications which, joined with the burning and ſhining Light of a pious Life, raiſed the Primitive Church and Clergy

Clergy to that height of Glory which we all profeſs to admire in them; and the very naming That is a ſufficient provocation to ſuch as are concerned in this matter, to expreſs their Zeal for the Welfare and Glory of the preſent Church, by keeping ſtrictly to the Meaſures which were ſo ſucceſsfully obſerved in the Ancient Church, and without which the Ends of the Miniſtry cannot be fully attained in any Church, whilſt perſons are ordained that want proper Qualifications.

Sect. 7. 3dly, *Their Rules about private Addreſs, and the Exerciſe of private Diſcipline.*

I ſhall not now ſtand to inculcate any other Rules about particular Duties, Studying, Preaching, or the like, but only beg leave to recommend the Primitive Pattern in two things more: The one concerns private Paſtors, the other is humbly offer'd to the Governors of the Church. That which concerns private Paſtors is the Duty of private Addreſs, and the Exerciſe of private Diſcipline toward the People committed to their Charge. Some eminent perſons [*] who have lately conſidered the Duties of the Paſtoral Office, reckon this one of the principal and moſt neceſſary Functions of it; which conſiſts in inſpecting the Lives of private perſons, in viſiting Families, in Exhortations, Warnings, Reproofs, Inſtructions, Reconciliations, and in all thoſe other Cares which a Paſtor ought to take of thoſe over whom he is conſtituted. "For, as they rightly ob- "ſerve, neither general Exhortations, nor publick "Diſcipline, can anſwer all the Occaſions of the "Church. There are certain Diſorders, which "Paſtors neither can, nor ought to repreſs openly, "and

[*] Oſtervald's *Cauſes of the Corrupt. of Chriſtians*, p. 318. *See alſo Biſhop* Burnet's *Paſtoral Care*, c. 8. p. 96.

" and which yet ought to be remedied by them: " in ſuch Caſes private Admonitions are to be " uſed. The Concern of Mens Salvation requires " this, and it becomes the Paſtoral Carefulneſs to " ſeek the ſtraying Sheep, and not to let the Wic- " ked periſh for want of Warning." But now, becauſe this is a nice and difficult Work, and requires not only great Diligence and Application, but alſo great Art and Prudence, with a proportionable ſhare of Meekneſs, Moderation and Temper, to perform it aright: it is often either wholly neglected, or very ill performed; whilſt ſome think it enough to admoniſh Sinners from the Pulpit, and others admoniſh them indiſcreetly, which tends more to provoke than reclaim them. To remedy both theſe Evils, it will be uſeful to reflect upon that excellent Diſcourſe of *Gregory Nazianzen*, which has been ſuggeſted in the Third Chapter of this Book, [*] where he conſiders that great Variety of Tempers that is in Men, and the Nicety of all Matters and Occaſions, that a skilful Paſtor ought to conſider, in order to apply ſuitable Remedies to every Diſtemper: And there the Reader will alſo find ſome other excellent Cautions and Directions given by *Chryſoſtom* and others upon this Head, with Examples proper to excite him to the performance of this neceſſary Duty.

Sect. 8.

4thly, *Their Rules for exerciſing publick Diſcipline upon delinquent Clergymen, who were convict of ſcandalous Offences.*

The other thing I would humbly offer to the conſideration of our Superiors, who are the Guardians of publick Diſcipline, and Inſpectors of the Behaviour of private Paſtors, is, the Exerciſe of Diſcipline in the ancient Church. By which I do not now mean that general Diſcipline,

[*] *See Book 6. Chap. 3. Sect. 8.*

cipline, which was exerciſed toward all Offenders in the Church; but the particular Diſcipline that was uſed among the Clergy, by virtue of which every Clerk convict of Immorality, or other ſcandalous Offence, was liable to be depoſed, and puniſhed with other Eccleſiaſtical Cenſures; of which, both Crimes and Puniſhments, I have given a particular Account in the three foregoing Chapters of this Book. 'Tis a thing generally acknowledged by all, that the Glory of the ancient Church was her Diſcipline; and it is as general a Complaint of the Misfortune of the preſent Church, that Corruptions abound for want of reviving and reſtoring the ancient Diſcipline. Now if there be any Truth in either of theſe Obſervations, it ought to be a quickning Argument to all that ſit at the Helm of Government in the Church, to beſtir themſelves with their utmoſt Zeal, that Diſcipline, where it is wanting, may at leaſt be reſtored among the Clergy; that no Scandals or Offences may be tolerated among them, whoſe Lives and Practices ought to be a Light and a Guide to others. As there is nothing to hinder the free Exerciſe of it here, ſo it is but fitting it ſhould be exemplified in them; as for many other Reaſons, ſo particularly for this: That the Laity may not think they are to be ty'd to any Diſcipline which the Clergy have not firſt exerciſed upon themſelves with greater Severity of Eccleſiaſtical Cenſures. And if either Rules or Examples can encourage this, thoſe of the Primitive Church are moſt provoking: Her Rules of Diſcipline were moſt excellent and exact in themſelves, and for the moſt part as exactly managed by perſons intruſted with the Execution of them.

Sect. 9.

Julian's design to reform the Heathen Priests by the Rules of the Primitive Clergy, an Argument to provoke our Zeal in the present Age.

After these Reflexions made upon the Laws and Practice of the *Primitive Clergy*, it will be needless to make any long Address to any Orders of the *Clergy* of the *present Age*: I will therefore only observe one thing more, That *Julian*'s Design to bring the Laws of the Primitive Clergy into use among the Heathen Priests, in order to reform them, as it was then a plain Testimony of their Excellency, so it is now a proper Argument to provoke the Zeal of the present Clergy to be more forward and ambitious in their imitation. I have already in part recited *Julian*'s Testimony and Design, out of his Letter to *Arsacius* High-Priest of *Galatia*: I shall here subjoin a more ample Testimony from a Fragment of one of his Epistles [*c*] printed among his Works, where speaking of the Gentile Priests, he says, It was reasonable they should be honoured as the Ministers and Servants of the Gods, by whose Mediation many Blessings were derived from Heaven upon the World: And so long as they retained this Charctaer, they were to be honoured and respected by all; but if Wicked and Vicious, they should be deposed from their Office [*d*], as unworthy of their Function. Their Lives were to be so regulated, as that they might be a Copy and Pattern of what they were to preach to Men. To this purpose they should be careful in all their Addresses to the Gods, to express all imaginable Reverence and Piety [*e*], as being in their Presence, and under their Inspection. They should neither speak a filthy Word,

[*c*] Julian. Fragment. Epist. p. 542. [*d*] Ibid. p. 543. [*e*] Ibid. p. 547.

Word, nor hear one; but abſtain as well from all impure Diſcourſe, as vile and wicked Actions, and not let a ſcurrilous or abuſive Jeſt come from their Mouths. They ſhould read no Books tending this way, ſuch as *Archilochus* and *Hipponax*, and the Writers of looſe wanton Comedies, but apply themſelves to the ſtudy of ſuch Philoſophers as *Pythagoras*, *Plato*, *Ariſtotle*, *Chryſippus*, and *Zeno*, whoſe Writings were moſt likely to create Piety in Mens Minds: For all ſorts of Books were not to be read by the Prieſts: Even among Philoſophers, thoſe of *Pyrrho* and *Epicurus* were wholly to be rejected by them; and inſtead of theſe, they [*f*] ſhould learn ſuch Divine Hymns as were to be ſung in honour of the Gods, to whom they ſhould make their Supplications publickly and privately, thrice a day, if it might be, however twice at leaſt, Morning and Evening. In the Courſe of their Publick Miniſtrations [*g*] in the Temples, which at *Rome* commonly held for Thirty Days, they were to reſide all the time in the Temples, and give themſelves to Philoſophick Thoughts, and neither go to their own Houſes, nor into the *Forum*, nor ſee any Magiſtrate but in the Temple. When their Term of waiting was expired, and they were returned home, they might not converſe or feaſt promiſcuouſly with all, but only with their Friends and the beſt of Men; they were but rarely then to appear in the *Forum*, and not to viſit the Magiſtrates and Rulers, except it were in order to be helpful to ſome that needed their Aſſiſtance. While they miniſtred in the Temple, they were to be arrayed with a Magnificent Garment; but out of it, they muſt wear common Apparel, and that not very coſtly, or in the leaſt ſavouring

[*f*] Ibid. p. 551. [*g*] Ibid. p. 553.

ſavouring of Pride and Vainglory. They were in no Caſe [*b*] to go to ſee the obſcene and wanton Shews of the publick Theatres, nor to bring them into their own Houſes, nor to converſe familiarly with any Charioteer, or Player, or Dancer belonging to the Theatre. After this, he ſignifies out of what ſort of Men the Prieſts ſhould be choſen. They ſhould be the beſt that could be found in every City, Perſons that had true love for GOD and Man, and then it matter'd not whether they were Rich or Poor, there being no difference to be made between Noble and Ignoble in this Caſe: No one was to be rejected upon other Accounts, who was endued with thoſe two Qualities, Piety to GOD and Humanity to Men; whereof the former might be evidenced by their Care to make all their Domeſticks as devout as Themſelves; and the latter, by their readineſs to diſtribute liberally to the Poor out of that little they had, and extending their Charity to as many as was poſſible. And there was the more reaſon to be careful in this matter, becauſe it was manifeſtly the neglect of this Humanity in the Prieſts which had given occaſion to the *Impious Galileans* (by whom he means the Chriſtians) to ſtrengthen their Party by the Practice of that Humanity which the others neglected: For, as Kidnappers ſteal away Children, whom they firſt allure with a Cake, ſo theſe begin firſt to work upon honeſt-hearted Gentiles with their Love-Feaſts and Entertainments, and Miniſtring of Tables, as they call them, till at laſt they pervert them to Atheiſm and Impiety againſt the Gods.

Now

[*b*] Ibid. 555.

Now from this Diſcourſe of *Julian*, I think, it is very Evident, that he had obſerved what Laws and Practices had chiefly contributed to the Advancement of the Character and Credit of the Chriſtian Clergy, and of the Chriſtian Religion by their Means: And therefore he laboured to introduce the like Rules and Diſcipline among the Idol-Prieſts, and intended to have made many other Alterations in the Heathen Cuſtoms, in Complyance with the envied Rites and Uſages of the Chriſtian Religion, as is obſerved both by *Gregory Nazianzen* [*i*] and *Sozomen* [*k*], who give us a particular Account of his intended Emendations. The very mentioning which, if I miſtake not, is a loud Call to us, to be at leaſt as zealous as *Julian* was, in copying out ſuch excellencies of the Primitive Clergy, as are proper for our Imitation. It is the Argument which the Apoſtle makes uſe of in a like Caſe: *I will provoke you to Jealouſie by them that are no People, by a fooliſh Nation will I anger you.* *Rom.* 10. 19. I muſt needs ſay, it will be but a melancholy Conſideration for any Man, to find hereafter, that the Zeal of an Apoſtate Heathen ſhall riſe up in Judgment againſt him and condemn him.

Sect. 10. *The Concluſion by way of Addreſs to the Clergy of the preſent Church.*

We all profeſs (as it is our Duty to do) a great Zeal for the Honour and Welfare of the preſent Church. Now if indeed we have that Zeal which we profeſs, we ſhall be careful to demonſtrate it in all our Actions; obſerving thoſe neceſſary Rules and Meaſures, which raiſed the Primitive Church to its Glory. We are obliged in this reſpect

[*i*] Naz. Invect. 1. in Julian. [*k*] Sozom. Lib. 5. c. 16.

ſpect firſt to be ſtrict and Exemplary in our Lives; to ſet others a Pattern of Sobriety, Humility, Meekneſs, Charity, Self-denyal, and Contempt of the World, and all ſuch common Graces as are required of Chriſtians in general, to adorn their Profeſſion: and then to add to theſe the peculiar Graces and Ornaments of our Function, Diligence, Prudence, Fidelity, and Piety in the whole Courſe of our Miniſtry; imitating thoſe Excellencies of the Ancients, which have been deſcribed; confining our ſelves to the proper Buſineſs of our Calling, and not intermedling or diſtracting our ſelves with other Cares; employing our Thoughts and Time in uſeful Studies, and directing them to their proper End, the Edification of the Church; performing all Divine Offices with Aſſiduity and Conſtancy, and in that rational, decent and becoming Way, as ſuits the Nature of the Action; making our Addreſſes to God with a ſerious Reverence, and an Affecting Fervency of Devotion; and in our Diſcourſes to Men, ſpeaking always as the Oracles of GOD, with Scripture Eloquence, which is the moſt Perſuaſive; in our Doctrine ſhewing Uncorruptneſs, Gravity, Sincerity, ſound Speech that cannot be condemned: in our Reproofs, and the Exerciſe of publick and private Diſcipline, uſing great Wiſdom and Prudence, both to diſcern the Tempers of Men, and to time the Application to its proper Seaſon, mixing Charity and Compaſſion with a juſt Severity; and endeavouring to reſtore fal'n Brethren in the Spirit of Meekneſs; ſhewing Gentleneſs and Patience to them that are in Error, and giving them good Arguments with good Uſage in order to regain them; avoiding all bitter and contumelious Language, and never bringing againſt any Man a railing Accuſation;

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treating thoſe of our own Order, whether Superiors, Inferiors, or Equals, with all the Decency and Reſpect that is due to them, ſince nothing is more ſcandalous among Clergy-men, than the Abuſes and Contempt of one another; endeavouring here, as well as in all other Caſes, to keep the Unity of the Spirit in the Bond of Peace; ſhewing our ſelves Candid and Ingenuous in moderating Diſputes among good Catholicks, as well as Reſolute and Prudent in oppoſing the malicious Deſigns of the profeſt Enemies of Truth; briefly, employing our Thoughts Day and Night upon theſe things, turning our Deſigns this way, and always acting with a pure Intention for the Benefit and Edification of the Church; even neglecting our own Honours, and deſpiſing our own Intereſt, when it is needful, for the Advantage of the Publick. Such Actions will proclaim our Zeal indeed, and draw every Eye to take notice of it. Such Qualities joined with Probity and Integrity of Life, will equal our Character to that of the Primitive Saints: and either give happy Succeſs to our Labours, or at leaſt crown our Endeavours with the Comfort and Satisfaction of having diſcharged a good Conſcience in the ſight of GOD. The beſt Deſigns indeed may be fruſtrated, and the moſt pious and zealous Endeavours be diſappointed. It was ſo with our Lord and Maſter himſelf, and no one of his Houſhould then is to think it ſtrange, if it happen to be his own Caſe. For though he ſpake as never Man ſpake, though he had done ſo many Miracles among the *Jews*, yet they believ'd not on him. This ſeems to be written for our Comfort, that we ſhould not be wholly dejected, though our Endeavours fail of Succeſs, ſince our Lord himſelf

ſelf was firſt pleaſed to take his Share in the Diſappointment. It will ſtill be our Comfort, that we can be able to ſay with the Prophet [*] in this Caſe, *Though we have laboured in vain, and ſpent our Strength for nought, yet ſurely our Judgment is with the Lord, and our Work with our God: And then though* Iſrael *be not gathered, yet ſhall we be glorious in the Eyes of the Lord, and our God ſhall be our Strength.*

[*] *Iſa.* 49. 4, 5.

FINIS.